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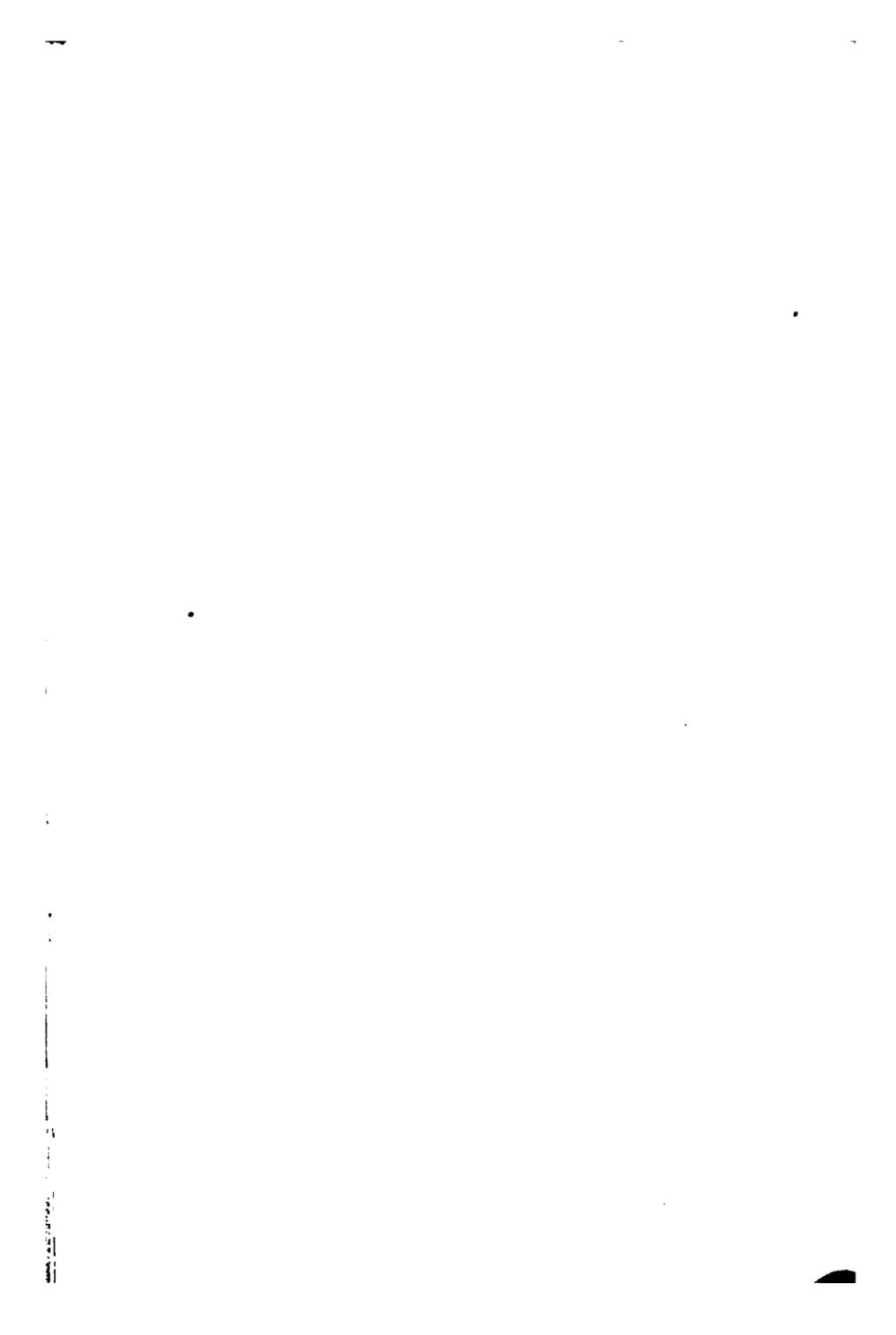
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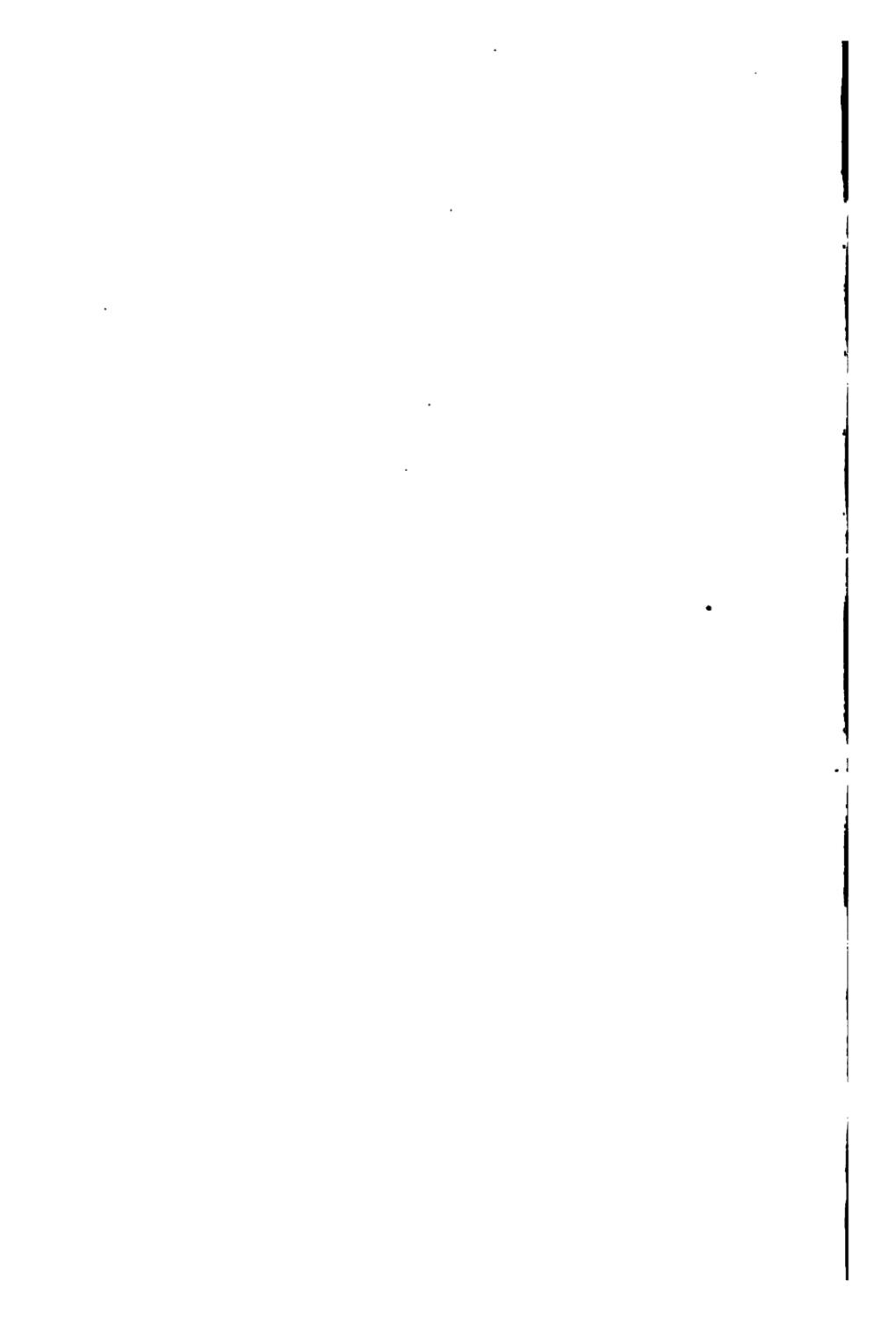
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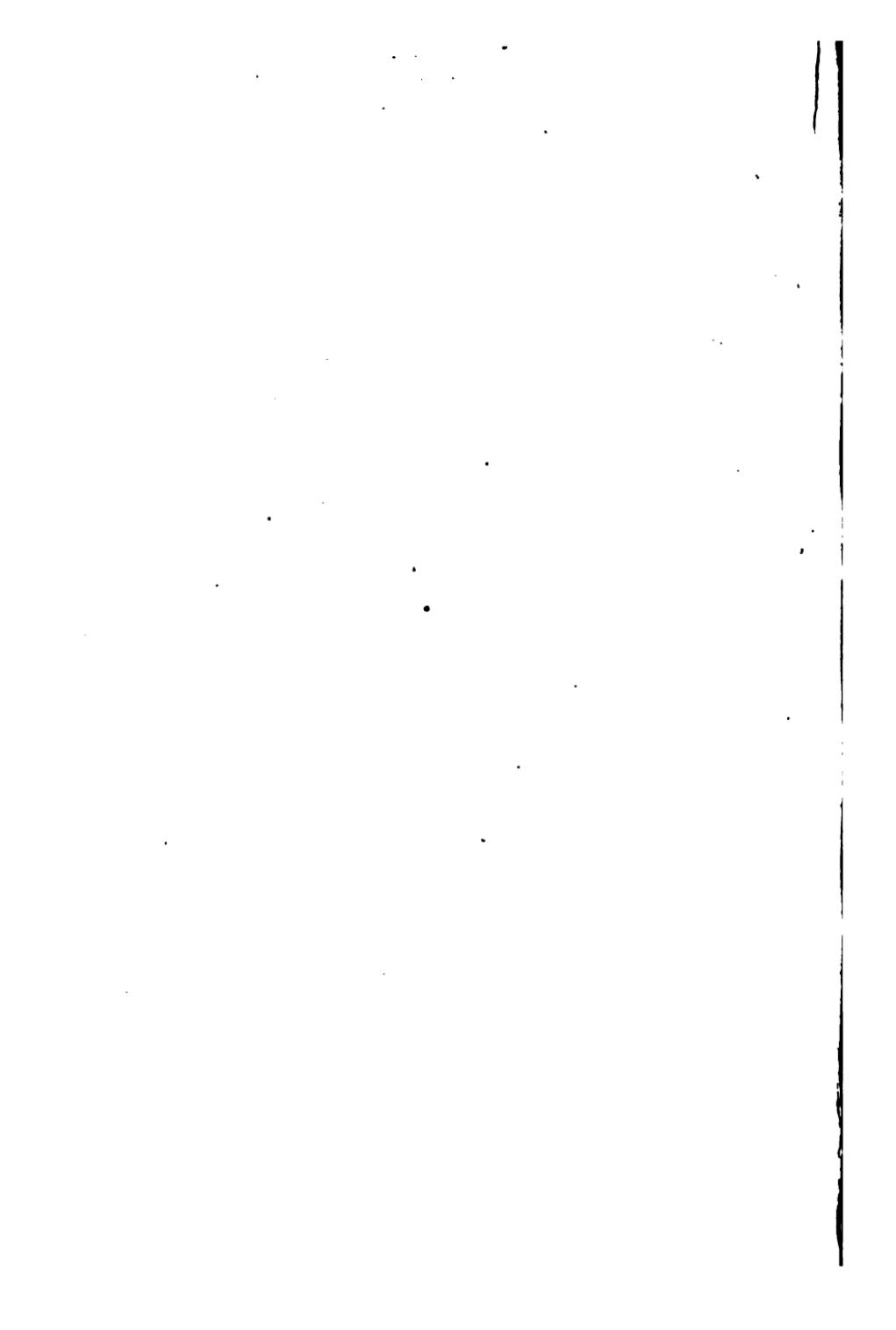
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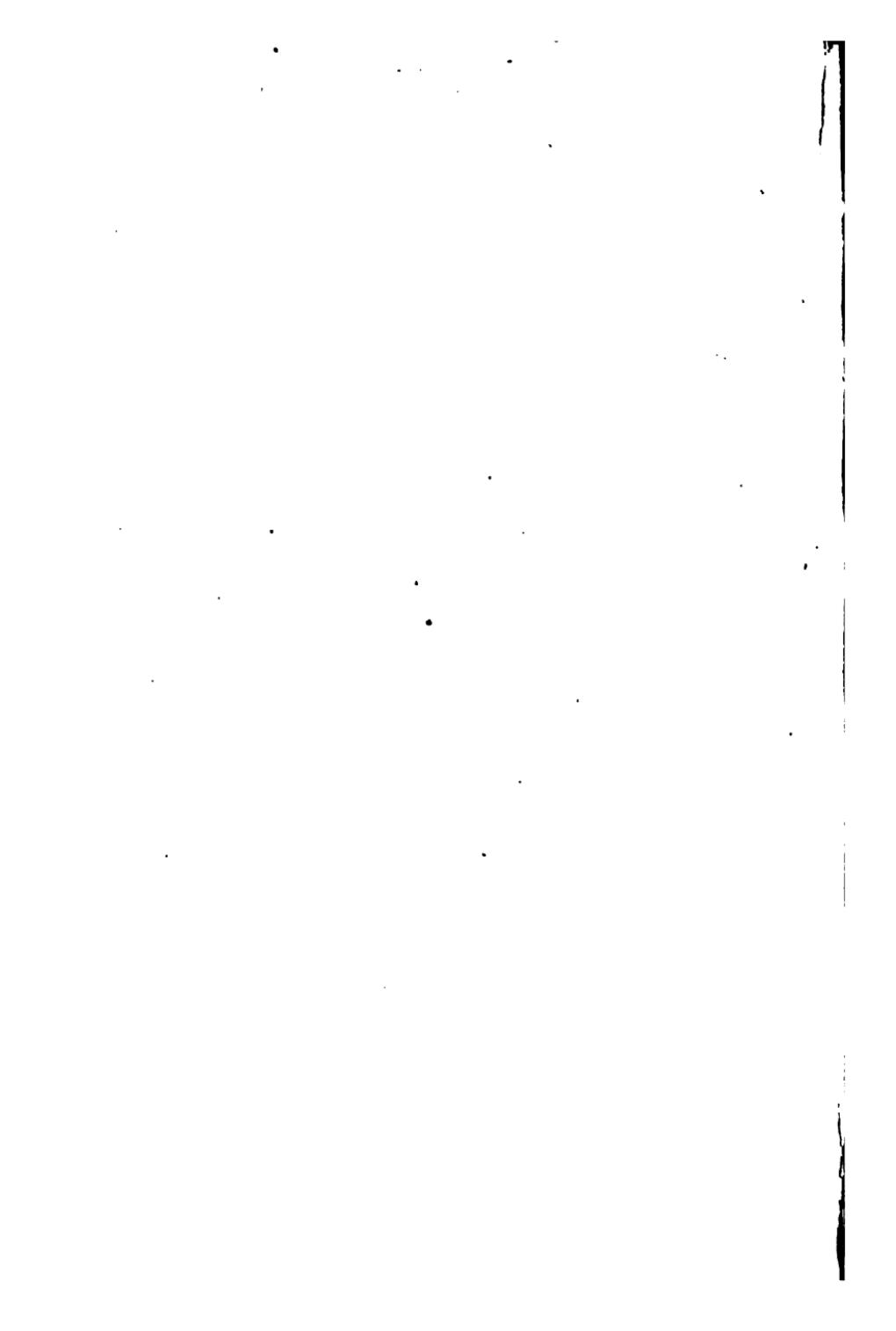
*FIGURES FROM AMERICAN HISTORY*

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**STEPHEN A. DOUGLAS**

**BY**

**LOUIS HOWLAND**



*FIGURES FROM AMERICAN HISTORY*

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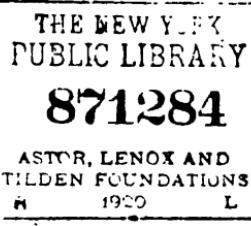
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**STEPHEN A. DOUGLAS**

BY  
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NEW YORK  
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1920

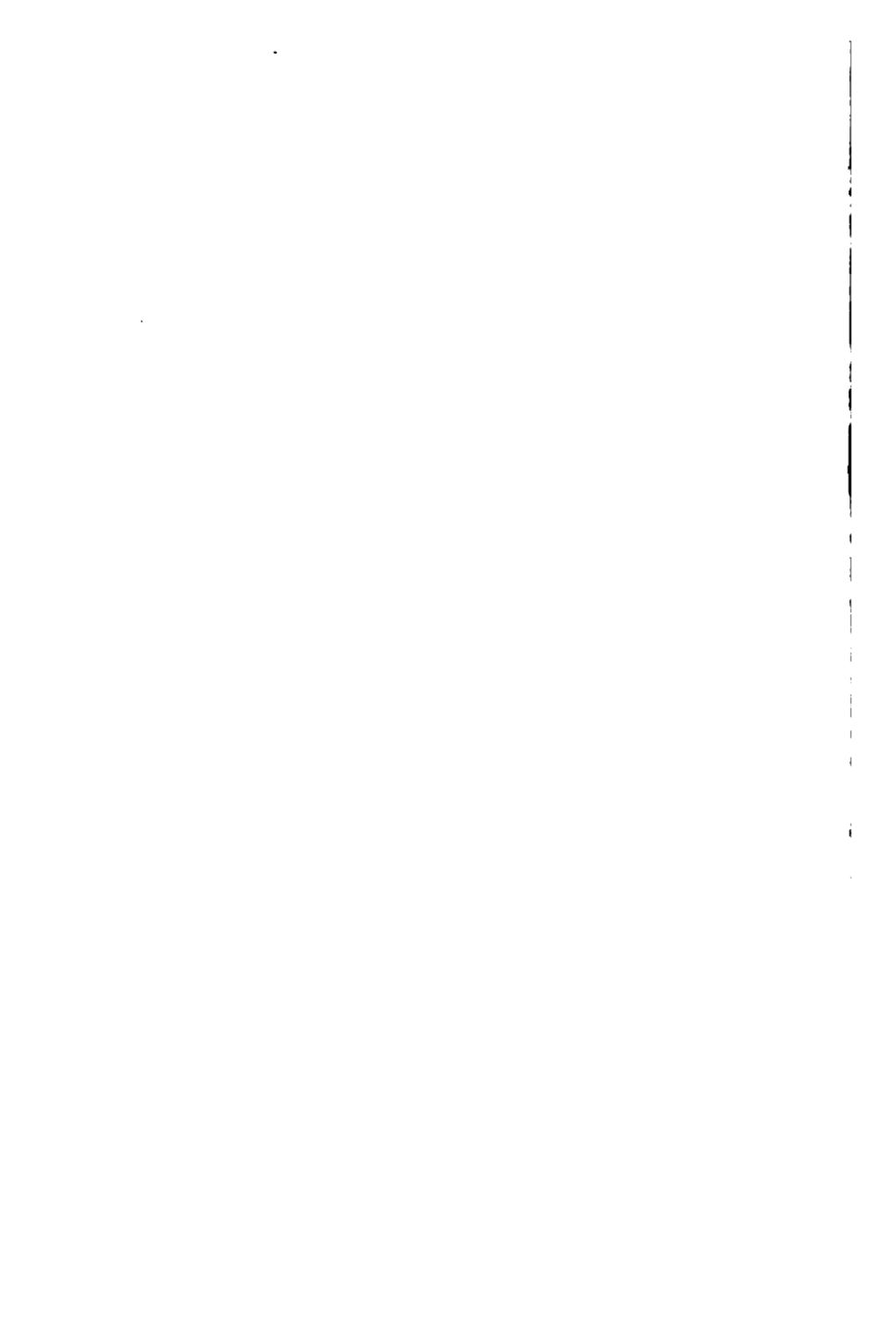


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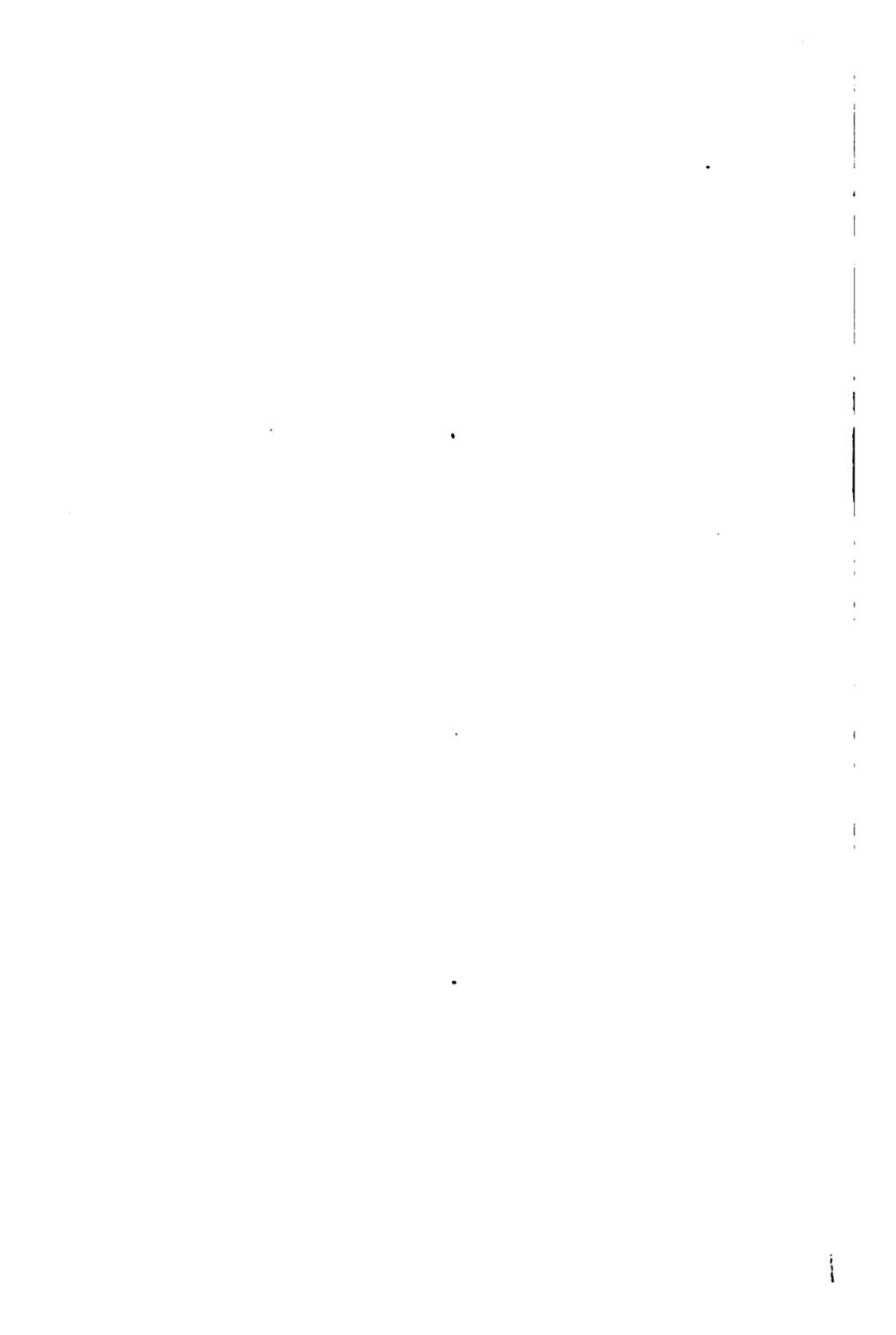
**TO**  
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## PREFACE

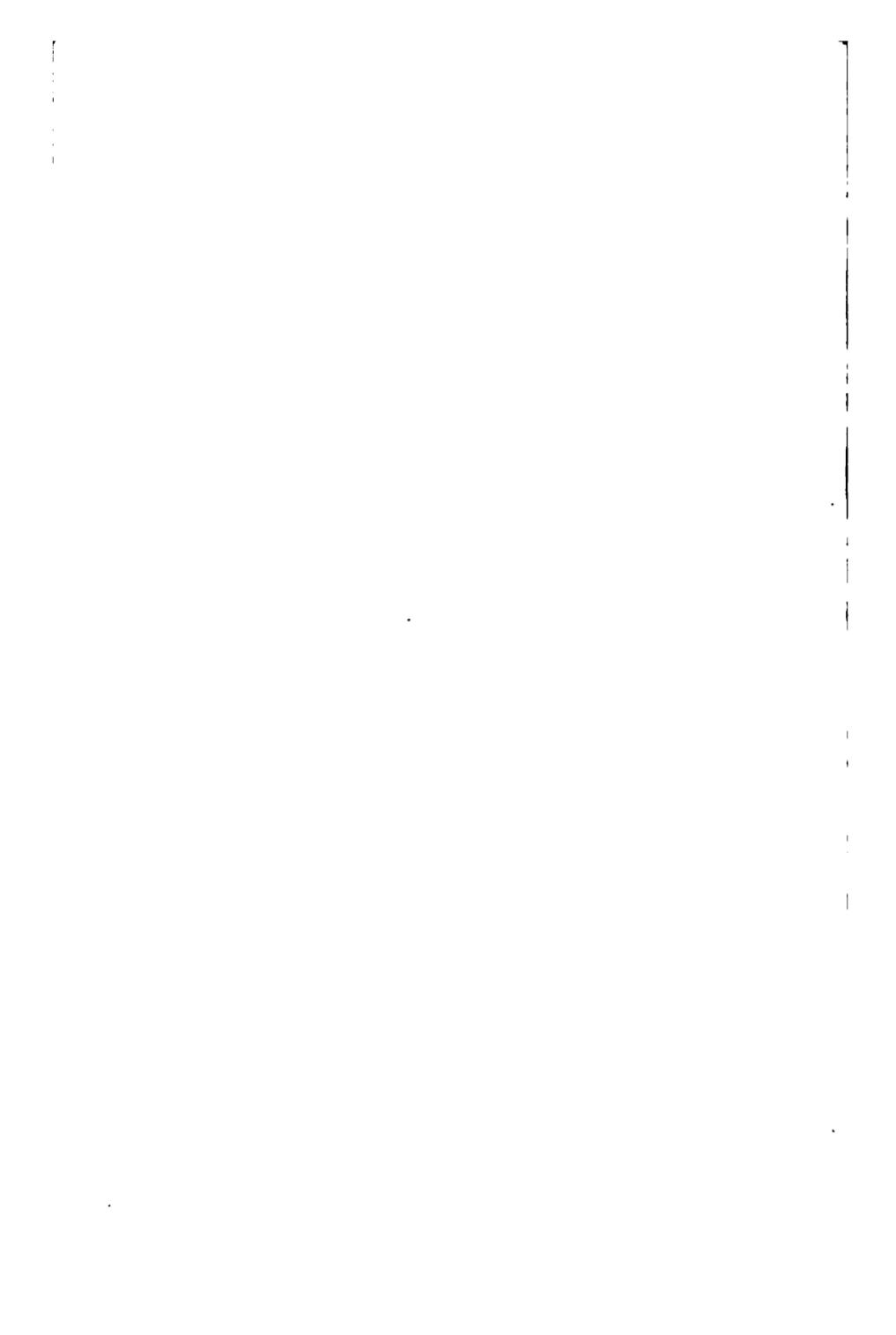
THIS is the story of an interesting man who lived in an interesting and fateful time. By his contemporaries Douglas was thought to stand even-shouldered with the greatest of the men with whom he was associated. Those of the succeeding generation ranked him far below his deserts. He was in part the sport of forces that no man could control or much influence, and in part himself a force that helped to mould the destiny of the nation. The author has striven to tell the truth, and to give such interpretations as seemed necessary to help the reader to reach a just verdict concerning one of the most remarkable men whom the country has produced. It is hoped that they are free from the defect that marks so many interpretations, namely over-ingenuity.

The author's indebtedness, which is cheerfully acknowledged, will appear on almost every page.



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**STEPHEN A. DOUGLAS**



# STEPHEN A. DOUGLAS

## CHAPTER I EARLY YEARS

THERE are many men who have played, if not a great, at least a conspicuous part in the history of this nation, who have been treated, if not unfairly, at least ungenerously both by contemporaries and later generations. Years ago I read with delight Theodore Parker's terrible sermon on Daniel Webster, and believed with the preacher that Webster, when he made his Seventh of March Speech, had "paltered with eternal God for power." Yet a few years later, Abraham Lincoln, as President, a man enshrined in the reverent affection of the American people, made the Webster policy his own when he declared that his object was to save the Union, and that he would save it even at the cost of continuing slavery. His devotion, like that of the great Massachusetts senator, was first of all to the Union.

Stephen A. Douglas, a much less great man, has suffered from the same extreme of contemporary criticism. He too sought the presidency, he too was ambitious. In truth, it is not easy to believe that his judgment and action were not, in certain

crises, swayed, if not controlled, by personal considerations. But this was by no means always the case. We cannot think of Douglas without at the same time thinking of Lincoln, and the juxtaposition is most unfortunate for the former. It is to be remembered that in much less trying times than those in which Douglas lived, men whose patriotism, intellectual honesty, and moral integrity have never been questioned, have been known to compromise, and forswear what were believed to be their deepest convictions. If we give these the benefit of the doubt, it seems no more than fair that we should show the same measure of justice to those who served greatly in the past, and are no longer able to speak for themselves, or to guard their own fame. The present writer confesses to a strong bias against those extremists who find it easy and pleasant to condemn human weakness and failure, and difficult, if not impossible, to award praise even where praise is due. Life, especially political life, is much less simple than they suppose. Human motives are seldom unmixed.

Stephen Arnold Douglas was born in the town of Brandon, Vt., April 23, 1813. He came of freedom-loving stock on both sides. The Douglasses, as the name indicates, were Scotch, though the great-grandfather of the subject of this sketch was born in this country. The grandfather was a soldier in the Revolutionary War. He was with the

Continental army during the terrible winter at Valley Forge, and was present at the surrender of Cornwallis. Through his grandmothers, Stephen A. Douglas traced back to the Arnolds of Rhode Island, one of whom was an associate of Roger Williams. The son of this Arnold was governor of the Rhode Island colony by appointment of Charles Second. Born in Vermont, descended from men who fought for both civil and religious liberty, reared in the democratic atmosphere of the town meeting, Douglas could never in his heart have believed in the right of one man to enslave another. All his antecedents were Northern. His father, Doctor Stephen A. Douglas, was born at Stephentown, Rensselaer County, N. Y. Instead of migrating to the West, he turned his face eastward and settled in Brandon, where he married Sarah Fisk, and where his son was born. Doctor Douglas was a graduate of Middlebury College, and a physician of some distinction. Within less than three months after the birth of his famous son he died very suddenly of heart disease. The bereaved family, consisting of mother, son, and an elder daughter, was for many years cared for by a bachelor brother of Mrs. Douglas. The subsequent marriage of this brother, and the birth of a child, made it clear to young Douglas that he could never hope for the college education to which he had looked forward. Up to his fifteenth year he had attended the district

school in Brandon during the winter months, working on his uncle's farm in the summer. After his uncle's marriage he apprenticed himself to a cabinet-maker at Middlebury, becoming very proficient in the trade, at which he worked for two years. Entering the Brandon Academy, he pursued his studies for a year, when his mother married again, and the whole family moved to Canandaigua, N. Y., where the young man continued his studies for three years at the excellent academy at that place, devoting himself specially to the classics. It was at this time that he began the study of the law. James W. Sheahan, in his well-known life of Douglas, says: "Some idea may be formed of his proficiency in the classical course, and of the energy with which he pursued his studies, from the fact that, while the laws of New York at that time required a course of seven years to entitle a student to be admitted to practise law, four years of which might be occupied in classical studies, Mr. Douglas, on a thorough examination upon his whole course of study, was allowed a credit of three years for his classical attainments at the time he commenced the study of the law, leaving four years only as the period which he would be required to continue as a law student to entitle him to be admitted to the bar of that State. He kept up his collegiate course, however, during the whole time he was studying law, so that when he removed West in June, 1833, he had mastered

nearly the entire collegiate course in most of the various branches required of a graduate in our best universities." His youthful dream was thus in effect realized. He had a college education, knew something of farming, and was master of a trade. Life had forced on him the necessity of supporting himself, and yet there had been up to his twentieth year little of that hardness that has so often marked the youth of great Americans, notably that of the great man who was to be the rival of Douglas—Abraham Lincoln. Douglas was well equipped for the battle of life. He had worked industriously, studied hard, and improved his time to the uttermost. His advantages also were greater than those of many who have won a higher place in the world's esteem. Of grinding and sordid poverty he had known little or nothing. His association had for the most part been with educated and intelligent people. He grew up, not in the wilderness, but in a settled community, and one with great traditions.

What would have been Douglas's attitude toward slavery had he continued to reside either in Vermont or New York, one can hardly say. Probably he would have continued to be a stanch Democrat, and have felt that it was essential to the nation's welfare to keep his party in power. For he was from his youth a great admirer of General Jackson, and in his early manhood was a defender both of

him and his policies. It certainly is impossible to believe that he would ever have been an abolitionist. Indeed, abolitionism was no more popular in New England and New York in the early days of the last century than it was in Illinois at the time of Douglas's migration. It was in 1833, when he was twenty years old, that the young man heard the call of the West. What he sought was a wider opportunity and a freer life. It may be said that he found both. The story of his wanderings is interesting, but it has little bearing on his character or career. After brief stops at Cleveland, Cincinnati, and Louisville, he reached St. Louis before the close of the year. There he made the acquaintance of Edward Bates, candidate before the convention that nominated Lincoln, and attorney-general in Lincoln's cabinet. His stay was short, for November of the same year found him in Jacksonville, Ill., friendless, unknown, and practically penniless. He had cut loose entirely from his base of supplies, and was determined to make his own way in the world. He was, however, not long friendless, for he soon won the regard, respect, and confidence of his neighbors. The West that had called him satisfied him. He early acquired its spirit and point of view. It was pioneer territory, and Douglas was a pioneer. He found inspiration in the prairie landscape which to many is so unpicturesque and unimpressive. Speaking of Kansas, Walt Whitman

says: "Under these skies resplendent in September beauty—amid the peculiar landscape you are used to but which is new to me—in the freedom and vigor and sane enthusiasm of this perfect Western air and autumn sunshine—it seems to me that a poem would be almost an impertinence. But if you care to have a word from me, I should speak it about these very prairies. I have been most impressed, and shall remain the rest of my life impressed with that feature of the topography of your Western central world—that vast Something, stretching out on its own unbounded scale, unconfined, which there is in these prairies, combining the real and ideal, beautiful as dreams. I wonder indeed if the people of this continental inland West know how much of first-class art they have in these prairies—how original and all your own—how much of the influences of a character for your future humanity, broad, patriotic, heroic, and new? How entirely they tally on land the grandeur and superb monotony of the skies of heaven, and the ocean with its waters? How freeing, soothing, nourishing they are to the soul? Then is it not subtly they who have given us our leading modern Americans, Lincoln and Grant?—vast-spread average men—their fore-grounds of character altogether practical and real, yet (to those who have eyes to see) with finest back-grounds of the ideal, towering high as any. And do we not see in them the foreshadowings of the

future races that shall fill these prairies? . . . This favored central area of (in round numbers) 2,000 miles square seems fated to be the home both of what I would call America's distinctive ideas and distinctive realities." Perhaps the "Something" of which the poet speaks is, considered politically, nationality. It is certain that in this section there has never been that intense loyalty to the State that has prevailed—and still prevails—in the East and South. The nation comes first. Long before Whitman wrote, Douglas felt the charm of the prairies, and responded to it. There was a remarkable correspondence between the transplanted New Englander and his new environment. The people liked and trusted him, and followed his leadership. He understood them and their "ways," and never lost his hold on their affections. Born a politician, young Douglas found himself at home among men of whom it may almost be said that politics was their chief business. Great questions were under consideration—banking, currency, internal improvements, the relations of the States to the Union and to one another, and, most vital of all, slavery. It was the day of joint debates, often informal and neighborhood or street-corner affairs, and again attended by thousands of people. Campaigns extended over seven and eight months. Every lawyer was a politician. The orator was highly esteemed, and the man who could make a speech was a hero.

Perhaps the interest in public questions was no greater than now, but it seems to have been more direct, intense, and personal. Issues were discussed face to face rather than through newspapers, of which there were few. It was in such a society that Douglas made his home. Unable to find work at Jacksonville, and with his money almost all spent, he pushed on to Winchester, the county-seat of Scott County, where he obtained employment as a school-teacher, in which capacity he served for three months. The employment afforded him a living, and left him sufficient time to continue his legal studies. Though he had not then been admitted to the bar, the young man practised in the justice-of-peace courts, thus adding somewhat to his income, and getting a practical experience that was not without value. He made many friends, and wielded no small influence in the life of the little town. It was during the Winchester period that his power in debate was first exhibited, and recognized. This, probably more than anything else, commended him to the people. President Jackson's war on the United States Bank was not popular in Illinois, and many of the Democrats accepted it solely on the authority of the President, and were quite unable to answer the arguments of the Whigs. Douglas gave them reasons and arguments to justify the Jacksonian policy, ammunition which they used with good effect against their political op-

ponents. Whether the reasons were good is not the question. It is enough that Democrats were able to discuss the issues, and were no longer forced to fall back on the infallibility of Andrew Jackson. Douglas promptly took the offensive, and by his boldness encouraged others to do so. Thus before he was twenty-one he showed something of the qualities that later marked him as a great party leader. As a boy in Vermont, and later in New York, he had taken—as far as a boy could take—an active part in politics. At Winchester his career may be said to have begun. From that time he moved steadily and swiftly forward. In ten years after his coming to Illinois he was a national figure. Probably never did the capacity for arguing serve a man to better purpose. In March, 1834, Douglas removed to Jacksonville, where he was admitted to the bar, and opened a law-office. At once he was drawn into—or plunged into—politics, again as the champion of the Jackson administration and its bank policy. The situation was the same as at Winchester, and it was met in the same way. The Democrats needed leadership, and they found it in the young lawyer. A mass-meeting of Democrats was called to decide whether the administration should be supported or abandoned by those who had put it in power. The leading men in the movement were Douglas and S. S. Brooks, editor of the *Jacksonville News*. There were many who were

doubtful of the wisdom of the action, so strong was the opposition to the President. Douglas, who had not attained his majority, presented the resolutions indorsing the President, and supported them in a speech which greatly impressed and stirred his audience, and won for him the sobriquet of "Little Giant," which he bore through life. The resolutions were enthusiastically adopted, and the Democratic status of Morgan County was fixed for years. The position of Douglas was established, and from this time on he was a real leader in the political life of Illinois. Nor did he ever lose his hold on the people, though it was in after years subjected to severe strain. The next few years showed that he was as shrewd and resourceful in political organization and management as he was eloquent and convincing in argument. He gave unsparingly of his time and energy to the service of his party, not for reward—at least not primarily so—but because he loved "the game," and believed in Democratic principles. But reward came in full measure, nor is there any reason to think that it was unwelcome. Douglas, by his services, put the Democratic party of Illinois under heavy obligation to him, an obligation that it fully and gladly discharged. If ever a man earned political preferment by political services—if such a thing is possible—Douglas did. He was first of all a party man.

The first honor that came to him was the State's

attorneyship of the first judicial district, to which he was elected by the legislature in January, 1835. His election was the result of a political manœuvre to which Douglas was a party, though he insists in his autobiography that he was not prompted by ambition, and was without selfish motive, and denies that there was a deal. The inspiration was the desire to legislate out of office John J. Hardin, who had two years to serve. The moving spirit was John Wyatt, a member of the legislature, to whose influence Hardin was said to have been indebted to some extent for his office. Two other men had also helped Hardin. All three were opposed by him when they were candidates for re-election. The Douglas account follows: "Captain Wyatt was the only one of them who succeeded in his election, and was so indignant at Hardin for what he called his ingratitude, that he determined upon removing him from office at all hazards. The opposition having succeeded in electing their candidate for governor, there was no hope from that quarter; and the only resort left was to repeal the law conferring the appointment upon the governor, and making the office elective by the legislature. At the request of Captain Wyatt, I wrote the bill, and on the second day of the session . . . he introduced his bill, and also another bill written by myself making the county recorders' election by the people instead of being appointed by the governor.

I felt no peculiar interest in these bills any further than I thought them correct in principle, and desired to see them pass because my friends warmly supported them. Both the bills were violently opposed by the opposition (the Federal party) and advocated by a large majority of the Democrats, and finally passed by a small majority. When sent to the Council of Revision (composed of the governor and judges of the Supreme Court) for approval, they were both vetoed; the former as unconstitutional, and the latter because it was inexpedient. Then came a desperate struggle between the friends and opponents of the bills, and especially the State's attorney bill. The opposition charged that its only object was to repeal Hardin out of office in order to elect myself in his place, and that the whole movement had its origin in Wyatt's malice and my selfishness and ambition. I will here remark, and most solemnly aver it to be true that, up to the time this charge was made against me, I never had conceived the idea of being a candidate for the office, nor had any friend suggested that I could or ought to receive it. But from that moment forward, the friends of the bill declared that, in the event they passed the bill over the heads of the council, I should be elected to the office. At this time I did not desire to be a candidate, for I had no reason to suppose I could be elected over so formidable an opponent who had for a long time been a resident of the State, had

fought in the Black Hawk War, and was well acquainted with the members. My short residence in the State, want of acquaintance, experience in my profession and age (being only twenty-one years old) I considered insuperable objections. My friends, however, thought differently, passed the bill, and elected me on the first ballot by four votes majority." When a man writes and champions a bill of which he later becomes the beneficiary, it is not easy to make others believe in his entire disinterestedness. Nor when legislation is enacted the confessed purpose of which is to remove one individual from office, is it much easier to make it appear that regard for the public interest was the controlling motive. It is probably true, however, that Douglas went into the campaign against Hardin for political rather than personal reasons. Wyatt's motive, of course, was purely personal—he wished to punish Hardin. This specimen of Illinois politics at that early day may not be uninteresting to those of our own day who are not strangers to guile. However, the youthful State's attorney was faithful, intelligent, and efficient in the performance of his duties. One incident, that of the indictments in which the name of a county was thought to be misspelled—as was latter proved to be the case—is important only because of the principle that Douglas deduced from it. He says: "This small incident, although of no consequence in itself, has been an instructive lesson

to me in the practice of the law ever since, to wit: Admit nothing, and require my adversary to prove everything material to the success of his cause. Every lawyer's experience teaches him that many good causes are saved and bad ones gained by a strict adherence to this rule." Douglas never departed from it in politics, or, so far as is known, in the practice of the law. In later years he did not oppose, if he refused to defend, certain "bad causes." He did not "admit" that slavery was wrong, though in 1860 he refused, in response to the demand of the Southern radicals, to say that it was right, though had he done so he might perhaps have had the presidential nomination, and possibly the presidency itself through the support of a united Democratic party. The man who adopted this principle before he was twenty-two years of age was certainly of a very practical turn of mind. Yet he was not without ideals, or wholly unattended by visions, as will appear later in the story. Evidently he had a conviction that he would play an important part in public affairs. It came to him very early in his life. There are to-day few men of twenty-three years of age—Douglas's age when he was elected to the Illinois legislature in 1836—as deeply grounded as he was in a knowledge of the country's history and institutions. In speaking of the debate between himself and Josiah Lambert at Winchester, which took place before he was twenty-one years old,

Douglas says: "I was then familiar with all the principles, measures, and facts involved in the controversy, having been an attentive reader of the debates in Congress and the principal newspapers of the day, and having read also with great interest the principal works in this country; such as the debates in the convention that formed the Constitution of the United States, and the conventions of the several States on the adoption of the Constitution, the Federalist, John Adams's work denominated a defense of the American Constitution, the opinions of Randolph, Hamilton, and Jefferson on the constitutionality of the Bank, and the history of the Bank as published by Gales & Seaton, Jefferson's Works, etc."

One cannot read even his youthful speeches without feeling that he had not only read widely and deeply, but had mastered what he had read. Probably it was to his knowledge as much as to his personality, and fluency of speech, that he owed his rapid advancement. Whether he in all cases drew the correct conclusions from the facts and principles with which he was familiar is a question that need not now be considered. Douglas worked hard for the success that came to him, and built up his career on an honest foundation. It is not surprising that he should at once have assumed a position of leadership in the legislature which met in December, 1836. He had taken an active part

in the campaign, which was conducted almost wholly on national issues. Morgan County was thoroughly canvassed by Douglas for the Democrats, and John J. Hardin for the Whigs, the Democrats carrying the county, and electing five out of six legislative candidates, Mr. Hardin being the only Whig chosen. The State cast its electoral vote for Martin Van Buren, giving him a small plurality over General William Henry Harrison, the Whig candidate.

The great subject before the legislature was that of internal improvements. It is not surprising that the people should have been deeply and passionately interested, since they were cut off from the rest of the world, and largely indeed from one another. Douglas favored the completion of the Illinois and Michigan canal, and the construction of a north and south and east and west railroad. But the moderation of this plan was its condemnation. He opposed the more extravagant projects, and especially the policy of making the State a partner in them. The bill finally passed was a compromise measure prepared in part by Douglas. The best that can be said for it is that it was less objectionable than other measures that might have gone through. The following extract from the autobiography throws light on the man's political philosophy: "When it was ascertained from my conversation, speeches, and resolution that I would oppose the mammoth bill, its friends procured me to be instructed by my

constituents to go for it. It must be remembered that at that day the people were for the system—almost en masse. So strong was the current of popular feeling in its favor that it was hazardous for any politician to oppose it. Under these circumstances it was easy to obtain instructions in favor of a measure so universally popular, and accordingly the friends of the bill got up instructions, which, from my known sentiments in favor of the doctrine of instruction, I did not feel myself at liberty to disobey. I accordingly voted for the bill under these instructions. That vote was the vote of my constituents and not my own."

There could, of course, be nothing "hazardous" to a "politician" in voting as he thought right except such a loss of influence as might imperil, if not terminate, his political career. Nor is there any way in which a representative—if he is truly such—can delegate to his constituents his right to vote, and so escape responsibility for legislative folly. Edmund Burke has shown once and for all the entire viciousness of "the doctrine of instruction," though it is still held and proclaimed by eminent men of our own day who have denounced those who disregard instructions as "embezzlers of power." The vote of Douglas was his own, and he could not make it other than his own by saying that it was that of his constituents. It was also the vote of a politician ambitious for preferment.

Being responsible for his vote, he, with the others who acted with him, was responsible for the disastrous consequences that followed. The legislature had hardly adjourned in March, 1837, before a panic broke over the country. It caught the State of Illinois with an enormous debt, which for years was a vexation and burden. Suspension of specie payments was general throughout the country. The Illinois State Bank and its branches collapsed, and the State lost practically all it had subscribed. The notes of the banks depreciated till they were worth not more than forty or fifty cents on the dollar. The State banks never renewed specie payments, and a few years later all charters were repealed, and Illinois was without banks until under the new constitution, adopted several years later, a general banking law was passed. The whole scheme of internal improvements went down in the wreck. Not often has vicious legislation so promptly worked out in its inevitable results. One can readily understand why this legislature was one of the most important that Illinois ever knew, since its evil influence lasted for many years. None of the men who bowed to the storm seems to have suffered either in reputation or influence—certainly Douglas did not.

In April, 1837, he was appointed by President Van Buren to be register of the land-office at Springfield, the home of Abraham Lincoln. The paths

of the two men had crossed before this time, as both were members of the internal improvement legislature, and both had voted for the legislation. Shortly after Douglas took up his residence in Springfield he and Lincoln met in joint debate. The Van Buren administration, which assumed office March 4, 1837, soon found itself face to face with a terrible financial crisis. The President's party was in control of both branches of Congress, and had for eight years held the presidency. There was, therefore, no question of a panic inherited from an opposition administration, or of divided responsibility. The panic, as far as it was the result of party policies, was wholly Democratic. Such, at any rate, was the feeling of the people. They turned fiercely on the President, who was deserted by his political friends in Congress and throughout the country. The situation in Illinois was desperate. The State's representatives in the national house of representatives, all Democrats, refused to support the President's subtreasury scheme, and the Democratic governor of Illinois openly denounced the President. When the legislature met in special session in July the Democratic members were in an almost worse state of panic than the country was, and several of them actually allied themselves with the Whigs. The President adhered to the Jacksonian policy of breaking the connection between the government and the banks, and at the special session of Con-

gress in April he had urged the establishment of a subtreasury. That it was powerless to prevent panics later generations were to learn. But the policy was that of the administration, and Douglas was called on to defend it. His first move was to give to the party an organization. It was possible for him to point to the success of the convention system which had been adopted, largely as the result of his efforts, in Morgan County several years before.

There had never been a State convention in Illinois, or a State central committee. Probably no party ever needed an effective organization more sorely than the Democratic party of Illinois did in 1837. When in July of that year the legislature met in special session at Vandalia, a meeting of the Democratic members was called to consider party affairs. Douglas was not a member, but he attended the meeting, and took—as usual—a leading part. These men issued a call for a State convention to meet in December at Vandalia to nominate a State ticket, choose a committee to prepare an address to the people of the State dealing with the issues of the day, and create a State central committee. The address—Douglas being a member of the committee that drafted it—was a bold defense of the presidential policies, and it did much to check the drift away from the Democratic party. But the battle had just begun. All through the summer,

and all over the State, the issues were debated, Douglas, of course, bearing his full part. He was nominated for Congress, again under the convention system, in November, his opponent being John T. Stuart. They began their formal canvass in March of the following year, and spoke, from the same platform, every day, except Sundays, till the night before the election in August. Douglas was defeated by 35 votes in a total poll of 36,000. The Democratic State ticket was elected in the midst of a Democratic panic. That the campaign made by Douglas did much to strengthen his party cannot be doubted. The organization, for which he is entitled to much of the credit, also played an important part. Douglas, before he was twenty-five years of age, had proved himself to be a great party leader. He had served as State's attorney, member of the legislature, register of the land-office, and had been a candidate for Congress. That is a record of achievement that it would not be easy to parallel. The environment was certainly favorable to a development of the man's powers and talents.

After his defeat for Congress, Douglas formed a law partnership, and announced that he would henceforth devote himself exclusively to the practice of his profession. But his passion for politics was so strong, and the demand for his services so imperious, that he found it impossible to divorce himself from political life. Nor was it difficult in

those days to combine law and politics, as most politicians were lawyers, and most lawyers politicians. Douglas was employed in a case involving the right of the Democratic governor to remove the Secretary of State and to appoint his successor. The Senate refused to confirm the nomination of John A. McClernand on the ground that there was no vacancy. A suit was brought before Judge Breese, of the Circuit Court, to try the title to the office, and the right of the governor to remove and appoint was sustained. An appeal was taken to the Supreme Court, Douglas being one of the counsel for McClernand. Associated with him were James Shields and John A. McClernand, both of whom in later years won national prominence. The lower court was reversed, and the right of the Secretary of State to his office was upheld. This decision had important consequences for the court that made it. Thus the matter stood till the meeting of the new legislature, which was Democratic in both branches, when the secretary retired. Mr. Douglas was appointed in his place. He had favored the taking from the governor the right to appoint State's attorneys, and was elected to the position vacated as a result of a bill that he had helped draw. He had argued that the governor had—and should have—the right to appoint the Secretary of State, and the governor appointed him. The decision of the Supreme Court was the inspiration of a move-

ment to reorganize it, a movement that derived further force from the court's known attitude—though it rendered no decision—on the right of unnaturalized aliens to vote. As most of these were Democrats, Douglas and his party friends were alarmed. They took the ground that the general government had no right to withdraw a privilege conferred by the State, and which it was within the power of the State to confer. The regulation of suffrage was, it was contended, wholly a State affair. It was for Illinois to say whether unnaturalized aliens ought to vote. That there was a principle involved is clear. It cannot be said, however, that the Democratic interest in the case was wholly based on principle, or indeed that the Whigs were much alarmed by the votes of unnaturalized aliens as such, but rather by their practice of voting against the Whig candidates. We have travelled far since those days, since all now realize that there ought to be some power—where we do not greatly care—to withdraw from unnaturalized aliens the right to vote. We have seen the federal government confer the right of suffrage on the blacks, and it is proposed that the women be enfranchised by constitutional amendment. But the Illinois Democrats saved the votes of these men for the election of 1840, and they greatly needed them. There was a good reason for reorganizing the Supreme Court, for it exercised not only judicial but legislative and executive func-

tions. It shared with the governor the veto power, and as council of revision it was able to thwart the will of both governor and legislature, in the interest of the legislative minority. But the two cases—that involving the Secretary of State and that concerning the right of unnaturalized aliens to vote, in both of which Douglas was employed—brought matters to a head. The number of judges was increased from four to nine, and the circuit courts were abolished, the supreme judges being required to sit as circuit judges. The legislature appointed five new judges, one of whom was Douglas, the others being Sidney Breese—the judge whom the Supreme Court had overruled in the Secretary of State case—S. H. Treat, Thomas Ford, and Walter B. Scates. The combination of law and politics seems on the whole to have worked very well. The politicians of that time could not have learned much from those who are to-day practising the gentle art.

All this followed the great campaign of 1840. It began in November, 1839, the Whigs having nominated their presidential electors, with a joint debate at Springfield between Cyrus Walker, representing the Whigs, and Douglas. Lincoln was called in by the Whigs, and the debate continued till midnight between Lincoln and Walker on the one side and Douglas on the other. Both parties were apparently satisfied with the result. The Democratic State Convention met in December, and in the

following March General Harrison was nominated as the Whig candidate for the presidency. The campaign that followed was one of the hottest and most picturesque that the country ever went through, marked by more than the usual amount of demagogic. Party spirit ran high, and the enthusiasm was great. It was the "hard-cider and log-cabin" campaign. The people were urged to vote for "Tippecanoe and Tyler too," and were assured that "Little Van was a used-up man." The tide ran strongly against the Democrats from the start. The administration was unpopular, and the President's party was held responsible for the panic. General Harrison, on the other hand, was a popular hero. Nowhere was there a fiercer struggle than in Illinois. The Democrats of that State went into the fight as though they expected to win it. For seven months Douglas canvassed Illinois, meeting all opponents, and boldly discussing the issues. At the August election the Democrats carried the legislature and elected their State ticket. The struggle went on, Douglas speaking till the day of the election in November, when the State cast its vote for Van Buren. The Democrats carried only six other States, and but one other Northern State—New Hampshire. In the nation Harrison received 1,275,017 votes as against 1,128,702 cast for Van Buren, Harrison's plurality being 146,315. Harrison's electoral vote was 234 as against 60 for Van Buren. It is evident

that Illinois was in those days firmly rooted in the Democratic faith. Yet except for the leadership of Douglas it is not probable that the State could have been saved to the Democrats. Never was his power more clearly demonstrated. He was not only a great debater but a leader of inspiring personality, who had the ability to impart his courage and confidence to his followers. It was in his favor, too, that he had thus far been almost uniformly successful, even his defeat for Congress, so hopeless did the race seem, and so small was the plurality against him, having been looked on by his friends as a victory. It is undoubtedly true that to him was due most of the credit for the Democratic success in an election in which his party as a national organization was almost wiped out. In January following the election he was appointed Secretary of State, and on February 15, 1841, he was elected by the legislature to the supreme bench, and shortly afterward removed to Quincy, where it was necessary for him as judge to reside. It is not probable that he was called on to decide any very important cases. He was not a great judge or a great lawyer. His profession had hardly been more than a "side-line." Moreover, he was not quite twenty-eight years old when elevated to the bench. But he seems to have performed his duties acceptably.

Though the court had been reorganized, it had not been stripped of its functions as Council of Re-

vision, though Douglas and his friends had objected to its exercise of such power. As member of the council, however, the influence of Douglas was strongly exerted against all legislation the object of which was to free men from the necessity of paying their debts. Against all such laws Douglas remonstrated, and as judge declared them unconstitutional whenever it was possible for him conscientiously to do so. It should be said further that he used his influence with the legislature, though not at the time a member of it, to prevent the State from repudiating its debt, a thing which Illinois refused to do. It would have been easy for a man who was a mere demagogue to tempt a heavily burdened people into a betrayal of its own honor. But Douglas was a man of integrity, with a keen sense of responsibility. He was a shrewd and not always a sensitively scrupulous politician, but he was also a true man, with some statesmanlike qualities. His career as judge was neither notable nor protracted. In December, 1842, he came within five votes of being elected United States senator, though he was at the time under the senatorial age of thirty. On the nineteenth ballot Judge Breese was chosen, his vote being 56, and that of Douglas 51. In June of 1843 he was nominated for Congress to represent a district composed of Jersey, Green, Macoupin, Calhoun, Pike, Brown, Schuyler, Adams, Marquette, Fulton, and Peoria counties. The State had been

redistricted—and of course gerrymandered—and was entitled to seven representatives. Mr. Douglas's opponent was Orville H. Browning, one of the leading lawyers of the State, and later honorably prominent in the nation as successor in the United States Senate to Douglas after the latter's death in 1861, and as Secretary of the Interior in President Johnson's administration. The redistricting of the State had been done by a Democratic legislature, and the result was a gerrymander of the most approved type. Douglas's nomination may not have been planned so far in advance, but the fifth district as newly created, and in which he resided, can hardly be said to have been hopeful ground for the Whigs. The convention, composed of forty members, met at Griggsville June 5. It was machine-made and machine-controlled. Judge Douglas was nominated on the second ballot. An effective party organization was created, extending down into the precincts. The party was firmly united in support of its candidate, whose popularity was perhaps greater than it had ever been. The campaign was brief—for those days—but spirited. The sectional issue was not raised, and apparently only one national issue, the Oregon question, was discussed. Douglas was elected by a plurality of 461. Here closes the first stage in the remarkable career of an extraordinary man. His ten years in Illinois had been full and busy ones. He had been State's attorney, register of the

land-office, Secretary of State, judge of the Supreme Court, an unsuccessful candidate for the House of Representatives and the Senate, and finally a member of Congress, and all by the time he was thirty years old. On his way to Washington Douglas stopped off at Cleveland to visit the friends that he had made in that city ten years before, and spent some time at Canandaigua with his mother, from whom he had been so long separated. He had made his way in the world, relying wholly on his own resources, and had established himself. It was not the home-coming of a prodigal, for the wanderer had brought his sheaves with him. That he had high hopes for the future, one may readily believe. He had been tried and tested and knew his powers. Never lacking in self-confidence and courage, Douglas had learned by experiment that the one was justified and the other a great power. But there were weaknesses in his character, as will later appear, which his ten years of education and training in Illinois had done little or nothing to cure. But it may fairly be said that he was well equipped for the distinguished part he was to play in public affairs. The story of his life from now on is almost entirely the story of the great struggle over slavery. For the next seventeen years no issue that was presented could be considered apart from slavery. So one chapter of the man's life closes and another opens. The future was full of promise, and yet it was not

without menace, not to the political success of Douglas, but to his fame, and also to national unity. His breathing-spell was short. In December, 1843, he took his seat in the House of Representatives, which consisted of 232 members. It was the first session of the Twenty-eighth Congress. John W. Jones, of Virginia, was speaker of the House, and W. P. Mangum, of North Carolina, president pro tem of the Senate, Vice-President Tyler having succeeded to the presidency on the death of General Harrison one month after his inauguration in 1841. Douglas was now fairly launched on his life voyage, and a stormy one it proved to be.

## CHAPTER II

### CONGRESSMAN

THE history of the American people for the next seventeen years proves incontestably the futility of compromise when questions of principle are involved. This is not to say that the great men, Henry Clay being pre-eminent among them, were wrong in their policies, and certainly they are not to be condemned for their actions, nor are their motives to be questioned. It may even be said that some of their measures were right in the sense that they were the best possible at the time. The Missouri Compromise, to take one case, undoubtedly served to quiet for a time a very dangerous agitation against national unity. Though it did not stop discussion, or create a condition in which other subjects might be dealt with apart from slavery, it did check the spread of slavery and soften somewhat the sectional feeling. In his life of Henry Clay, Carl Schurz says: "It seemed good statesmanship to hold the Union together by a compromise, and to adjourn the final and decisive struggle on the slavery question to a time when the Union feeling should be strong and determined enough to maintain the integrity of the republic, if necessary, by force of arms,

and when the free States should be so superior in men and means to the slaveholding section as to make the result certain."

There was grave peril of disunion. Not only were the slavery men prepared to break up the Union, but many of the antislavery men were willing that they should do so. Few at that time thought of the possibility of using force to prevent secession. Even John Quincy Adams approved the Missouri Compromise, though he suggested "a new Union of thirteen or fourteen States unpolluted with slavery." "If," he said, "the Union must be dissolved, slavery is precisely the question upon which it ought to break."

There was little of the national feeling that later developed as a result of the Civil War. Even the most patriotic men thought first of their States and section. There were many exceptions, it is true, such as Henry Clay and Daniel Webster. When a disregard for the supposed rights and interests of one section, or even of one State, was met by the threat of secession, the lovers of the Union may well have felt that compromise was a necessity. When Douglas entered Congress the Missouri Compromise had been in effect for twenty-three years. Under it Missouri had, in 1820, been admitted as a slave State, with the provision that slavery should be forever excluded from all territory north of 36 degrees and 30 minutes, this being the southern

boundary of the State. Benton says in his *Thirty Years in the United States Senate* that the compromise was of Southern inspiration, but it was not satisfactory to either side. The North did not relish the creation of another slave State. The South, then having reached the conclusion that slavery was morally right, could not see why it should be excluded from any part of the Union. The legislation established the constitutional doctrine that Congress had the right to exclude slavery from the Territories, a doctrine that was later hotly disputed; and it was also an acknowledgment that Territories might be admitted subject to conditions. This latter principle was later denied by many, including Douglas, who insisted that it was for the Territories themselves to say whether they would or would not permit slavery. So neither side was pleased, though all were glad to have escaped the immediate peril. Slavery, it should be remembered, had grown to be much more than an "institution," and had become an interest, and a very large one. The value of slaves had trebled in thirty years, and the cotton crop, cultivated by slave-labor, had enormously increased. We do not need to go back to those days to find men whose views of right and wrong were powerfully influenced by material considerations. Many of those who once thought that slavery was wrong, or were at least doubtful about it, easily found arguments to convince themselves that it

was right, and even of divine institution. With the exception of the abolitionists, and the few who held their views, though not indorsing their methods, Northern men generally did not press the moral argument. "Business," as usual, was indifferent, when not truckling. So the Compromise went through. It temporarily saved the situation, and for a time it seemed as though a real settlement had been reached. Indeed, the Missouri Compromise, taken together with the cession of Texas to Spain by the treaty of 1819, finally proclaimed in 1821, almost seemed to have put slavery in process of ultimate extinction. By the former, slavery was excluded from the North; by the latter, all territory out of which new slave States might be carved had been abandoned. The nation's title to Texas under the Louisiana purchase was doubtful, and the effect of the treaty with Spain was to quiet her title in exchange for Florida. Such was the situation, as far as concerns slavery, when Douglas took his seat in the House of Representatives. With the presidential election of 1844 just ahead, and war with Mexico even then threatening, the old issue soon again became prominent.

The first speech of the new representative was delivered January 7, 1844. It is not of much interest or importance now, though one cannot read it without feeling the power of the speaker. The question was on the passage of a bill to remit a fine

of \$1,000 imposed by Judge Hall, of New Orleans, on General Jackson, who had been held for contempt of court in connection with the measures taken by Jackson for the defense of the city against the British. The speech was, however, more than a denunciation of the judge, and a eulogy of the general, for the speaker went into the legal and constitutional phases of the subject, and discussed the relation of the military to the civil authority. Douglas did not ask for a mere acquittal on the score of the services rendered by Jackson to the nation, but rather for a vindication on the ground that his action was right, and entirely within constitutional limits. It is true that he went further and said that he did not care "whether his proceedings were legal or illegal, constitutional or unconstitutional, with or without precedent, if they were necessary for the salvation of that city." Douglas clearly was at that time no narrow constructionist. But he rested his case on the law, and was, as General Jackson later said, the first man to make it clear that the proceedings could be justified under the Constitution. The speech created a very favorable impression, and showed the quality of the new representative. The bill subsequently became a law. "An eloquent, sophistical speech, prodigiously admired by the slave Democracy of the House," was the verdict of John Quincy Adams. Professor Johnson truly says that these were "words of high

praise, for the veteran statesman had little patience with the style of oratory affected" by the new member. There was, however, more than oratory in the speech—namely, power of statement and vigor of reasoning. It is not surprising that the House should have been impressed. Those who remembered the speech must later have wondered at the extreme deference of Douglas to constitutional limitations, and his denial to Congress of the power under the Constitution to legislate with reference to slavery in the Territories.

An important question which Douglas had to face shortly after he had taken his seat was that of his re-election. It was the year of a presidential election. Everything pointed to the nomination of Henry Clay by the Whigs, and he was the most popular man in the country, and the greatest political leader of his time with the possible exception of Andrew Jackson, who was an old man, living in retirement at the Hermitage. But he was still a power—his name has not even yet lost its magic. The Democratic party was falling more and more under the control of the slave power, and that division that later wrecked it was beginning to make itself felt. The Whig party was even nearer dissolution. There were slavery and antislavery men in both organizations, and the question for politicians and statesmen was one, not only—perhaps not primarily—of preserving the Union but of main-

taining party unity. Benton shows in great detail the efforts that were made to nominate John C. Calhoun as the Democratic candidate. He charges that the whole movement for the annexation of Texas by treaty, which was defeated in the Senate, was in the interest of Calhoun, whose friends were as anxious to defeat Van Buren as they were to nominate the great South Carolinian. The plan was to form a union of the Southern States that should annex Texas if the old Union should refuse to do so. Secession as a policy was openly avowed. The practice had been to admit slave and free States in pairs. When the question of admitting Oregon—a free State—was presented, there was no natural slave territory left out of which States could be made. Douglas made two other speeches before Congress adjourned, both of which involved principles of constitutional construction. It need not be claimed that his purpose was to strengthen himself with his party and to insure his re-election, but undoubtedly such was the effect. Four States had elected twenty-one representatives, seventeen of them being Democrats, on general tickets, although the federal statute prescribed that they should be chosen by districts. The question as to their right to their seats was referred to a committee of nine—six Democrats and three Whigs—of which Douglas, who wrote the report, was a member. One cannot read the report of the majority, which was in favor of seating the members, without detecting its fal-

lacy. It was admitted that Congress might make such regulations as it had made, but that there was no power to "compel State legislatures to make such change." There was no question of compelling the States to do anything, but simply of saying whether men chosen in other ways than those prescribed by Congress were entitled to seats. Little seems to have been made of the point that Congress is the judge of the qualifications of its own members. Douglas was finally driven to deny to Congress the power to district States. The result was to retain for the Democrats control of seventeen seats. The Douglas report was supported by reasons that were ingenious and plausible for action that could hardly have been wholly unprompted by partisan motives. He showed the same power that he had shown in his youth when he defended the bank policy of Jackson and Van Buren. It was the power of the advocate, and exercised in strict accordance with the principle that he adopted when he was State's attorney—namely to "admit nothing, and require my adversary to prove everything material to the success of his cause." "Every lawyer's experience," he had said, "teaches him that many good causes are saved and bad ones gained by strict adherence to this rule." But he had rendered an important service to his party, and proved that he was much more than a mere speech-maker. The people of his district were no doubt impressed.

But it was as necessary then as it is now for a congressman to "do something" for his constituents, and then as now river and harbor appropriations were found very useful. It is to be said for Douglas that he did have a national vision, and that he always showed a great interest in the development of the West—not for the West's but for the nation's sake. In one of his well-known speeches he showed his ability to think imperially of this nation, and rebuked the narrow sectionalism of both Easterners and Southerners. But it is not easy to see how the Illinois River could be thought to sustain any vital relation to the great subject of internal improvements, or how Douglas's plea for an appropriation for its improvement could be reconciled with his theory of national power. But here again the speaker made a very plausible argument designed to show that he was not departing from the Democratic faith. We need not seek to convict him of inconsistency, nor is it important that the point should be made against him. The effort failed, and the appropriation for the Illinois River was stricken from the bill. But the representative had done his best, and perhaps his speech was as helpful to him in a political way as the appropriation would have been. Indeed, it may have been that he needed no help of this sort. For his campaign for renomination had already made great headway, the influential papers of the district and the organization being

friendly to him. In May, 1844, he was unanimously renominated as candidate for representative for the fifth district. In August he was re-elected by a plurality of more than 1,700.

The Calhoun men, though they did not realize all their hopes, did succeed, by the adoption of the two-thirds rule, in defeating Van Buren with James K. Polk, of Tennessee. Douglas took an active part in the campaign, which resulted in the election of Polk over Clay. Illinois gave Polk a majority of 12,392, Douglas's district voting for the winning candidate. Clay really defeated himself by his concessions on the question of the annexation of Texas. For the effect was to strengthen the Liberty party, whose candidate was James G. Birney. Polk carried New York by a plurality over Clay of only 5,080 votes. Birney received 15,812, of which more than half would have been cast for Clay but for his fatal letter. With New York he would have had a majority in the electoral college. By so narrow a margin did this great man miss the goal of his ambition. The great issue in the campaign was the annexation of Texas, to which policy Polk was clearly and strongly committed. The Democratic convention adopted a resolution urging "the re-occupation of Oregon and the re-annexation of Texas at the earliest practicable period," as great American measures. The Whigs strove to keep the issue out of the campaign, but the defeat of Van Buren,

who was opposed to annexation, in the Democratic convention, made this impossible. There was in truth no other issue. On the other once great questions, the tariff and the bank, there was practically no difference between the parties. With the election of Polk, the annexation of Texas, war with Mexico, and further aggressions on the part of the slavery interest, became certainties. The election of 1844 was, therefore, one of the most important in the history of the country, for it put the government under the control of the slave-power, and subjected the Democratic party to the same blighting influence.

The period between 1844 and 1860, though one of the most interesting, is also one of the most depressing, in our history. It was an era of compromise, not only as to policies but as to convictions. Whether one condemns or idealizes the abolitionists one must admit that they, and the radical proslavery men, were the only ones who said at all times just what they thought, and who refused to make concessions. The Whig leaders found it necessary to yield much in order to placate the Southern members of the party, while in the North there were many Democrats who at least disliked slavery, and resented the radical and violent talk of the Southerners. Probably there never was a time when it was so difficult to maintain party unity. The unity of the nation, indeed, was in

serious jeopardy. Conditions were such as to develop in an extraordinary degree the art of the politician. Lowell has painted the type, in colors that will never fade:

“Tell ‘em thet on the slavery question  
I’m RIGHT, although to speak I’m lawth;  
This gives you a safe pint to rest on,  
An’ leaves me frontin’ South by North.”

This is not a true picture of the great men of the day, not even of Douglas. But the words accurately describe many of the lesser men, whose only thought was of “keeping the party together” and getting office. From this time on the question with the South was not one of preserving slavery but of extending it. The institution was not menaced in the States where it already existed, for all men and parties agreed that Congress had no power to interfere with slavery in the States. But the South saw that extension of the system was necessary to its preservation. It was even claimed by some who denied that Congress had power to exclude slavery from the Territories that it had power to establish it therein. So strong was the pressure from the South that Douglas deemed it necessary to sound a note of warning to extremists on both sides. Later in a speech in the Senate he said: “It is the speeches of Southern men, representing slave States, going to an extreme, breathing a fanaticism as wild

and as reckless as that of the senator from New Hampshire [Hale], which create abolitionism in the North." Denounced by those to whom he specially spoke, he continued: "In the North it is not expected that we should take the position that slavery is a positive good—a positive blessing. If we did assume such a position, it would be a very pertinent inquiry: Why do you not adopt this institution? We have moulded our institutions at the North as we have thought proper; and now we say to you of the South, if slavery be a blessing, it is your blessing; if it be a curse, it is your curse; enjoy it—on you rest all the responsibility! We are prepared to aid you in the maintenance of all your constitutional rights; and I apprehend that no man, South or North, has a more consistent disposition to do so than myself."

There can be no doubt that at this time the Southern leaders, with few exceptions, not only preferred slavery to union, but looked on the maintenance of the Union as a detriment to slavery.

That there had for a long time been a plan on foot to annex Texas, which had declared its independence of Mexico, and whose independence we had acknowledged, is made clear by Benton in his great speech. It is impossible to read his argument without being convinced that there was an intrigue, extending over many years, of the most disgraceful character. A treaty of annexation was submitted

to the Senate prior to the conventions in 1844, and, under the inspiration of Benton, was defeated. But after the election the scheme was brought forward again, which was natural, as the Democratic party had declared for annexation, and Polk, the new President, was known to favor it. Our government had been warned by Mexico that any steps looking to annexation would mean war. Benton and others had denounced the policy, and had said that annexation of Texas would mean the annexation of a war. In his last message President Tyler said that "a controlling majority of the people and a large majority of the States" had voted for annexation, and that Congress had been instructed to that effect. It is doubtful whether a treaty could have been got through the Senate, so it was decided to proceed by joint resolution, which would require only a majority vote of the two houses. Such a resolution was passed by the House on January 25, 1845, with an amendment offered by Mr. Douglas providing that the Missouri Compromise line should be extended through the new territory. The effect of this would have been to prohibit slavery north of latitude 36 degrees and 30 minutes, and to permit the formation of four slave States south of that line. It is humiliating to reflect that the transfer of territory from Mexico to the United States should have brought most of it under the curse of slavery. All the Whigs, with the exception of eight from the

South, voted against the resolution. In order to insure the passage of the resolution in the Senate, an amendment was added giving the President the power to submit the annexation resolution to the Texan Government, or, if he pleased, to begin new negotiations for an annexation treaty, the assumption being that Mexico would also be consulted. There was no opposition to annexation in itself, but only to a war of conquest to make annexation good—to annexation by conspiracy and intrigue. Benton says that it was understood that the subject would be left to the new President to deal with, and that he had been assured that President Tyler and Mr. Calhoun, his Secretary of State, would not have the "audacity" to carry through the programme in the closing hours of the administration. Polk, it was understood, would negotiate for a treaty. But if there was such an agreement, it was not carried out. The joint resolution after it had, in its amended form, been passed by both houses, was signed by the President on March 3, and a messenger was at once despatched to offer annexation to the Texan Government. Texas had, in the meantime, through the mediation of Great Britain and France, made peace with Mexico. In the treaty, which was ratified by the Mexican Congress, there was a recognition of the independence of Texas, and a pledge that Texas should not be annexed to any foreign power. This treaty and our resolution of annexation were

submitted to the Texas Congress in June, which rejected the treaty and adopted the annexation resolution. So there was again war between the two governments, and annexation made it our war. But actual hostilities did not break out till a year later, though there were occasional collisions. War might possibly have been avoided but for the American claim to territory vastly larger than ever had been admitted by Mexico to belong to Texas. At best it was disputed territory, that between the Rio Grande and Nueces rivers. The resolution of annexation referred only to "territory properly included within, and rightfully belonging to, the republic of Texas," and contemplated "an adjustment by this government of all questions of boundaries that may arise with other governments."

Having annexed Texas, it was necessary to defend it, and this was done by sending troops under General Taylor into the disputed territory, an act which Mexico held to be an act of war. A year later Texas was admitted into the Union, and formal war followed. There is reason to think that the surrender of the administration on the Oregon question was due to its unwillingness to risk a contest with Great Britain that might interfere with its war on Mexico. By treaties between Great Britain and Russia, and Russia and the United States, the southern boundary of Russian territory was fixed at 54 degrees and 40 minutes, while by our treaty

with Spain the northern boundary of Spanish possessions was the forty-second parallel. All between was a sort of No Man's Land, held in joint occupation by Great Britain and the United States. The Democratic party was committed to the extreme northern line, its convention having declared that "our title to the whole of the territory of Oregon is clear and unquestionable." "Fifty-four Forty or Fight" was the slogan of the Democrats. Douglas was strongly in favor of asserting and maintaining our utmost claim, if it could be called a claim. The same administration that pressed for war with Mexico negotiated a treaty with Great Britain compromising the Oregon question, and fixing our northern boundary at the forty-ninth parallel. Douglas, who was one of the leaders of the ultras, was much disappointed, and considerably embarrassed, since he had pledged the faith both of himself and his party to 54-40 or fight. But the warlike spirit quickly subsided. Benton, in opposing the Mexican plot, asked: "Why not march up to fifty-four forty as courageously as we march upon the Rio Grande? Because Great Britain is powerful and Mexico weak," and he added that the administration "wanted a small war just large enough to make military reputations dangerous for the presidency." In the course of his speech defending the Mexican war, which is perhaps the strongest statement that was made on that side, Douglas was embarrassed

by questions as to the very point made by Benton. He could not—at least he did not—say anything to discredit the administration. But he did say that he would never have yielded on the Oregon question. He said: “To me our country and all its parts are one and indivisible. I would rally under her standard in the defense of one portion as another—the South as the North; for Texas as soon as Oregon. And I will here do my Southern friends the justice to say that I firmly believe, and never doubted that, if war had arisen out of the Oregon question, when once declared, they would have been found shoulder to shoulder with me as firmly as I shall be with them in this Mexican war.”

When John Quincy Adams said that he “understood the gentleman some time ago, while standing on 54-40, to tell his Southern friends that he wanted no dodging on the Oregon question,” Douglas replied: “I did stand on 54-40; I stand there now, and never intend by any act of mine to surrender the position. I am as ready and willing to fight for 54-40 as well as for the Rio del Norte. My patriotism is not of that kind which would induce me to go to war to enlarge one section of the Union out of mere hatred and vengeance toward the other. I have no personal or political griefs resulting from the past to embitter my feelings and inflame my resentment toward any section of the country. I know no sections, no divisions.”

Then he turned on Mr. Adams and asked him if he would not be willing to apply to Mexico as well as to Oregon the principle of Frederick the Great—which Mr. Adams had approved in a speech—“Take possession first, and negotiate afterward.” Here, of course, is an unwitting admission that the Mexican policy, favored by Douglas, was based on the teaching of one of the greatest robbers known to history. As for Douglas’s demand that there be no dodging, he must have felt that the President himself had been guilty of that very thing. The truth, of course, is that the men interested in the admission of Texas as slave territory cared little or nothing about Oregon, since they knew that slavery never could exist in that part of the country. Probably they were quite willing to relinquish any right the nation may have had to the territory north of the forty-ninth parallel, since out of that several free States might have been carved. Slavery thus, it will be seen, was at the bottom of both these controversies, which were closely related. Douglas was not, at least not consciously, the instrument of the slave-power. He was a man of broad national views, an expansionist, and a believer in “manifest destiny.” Many of his utterances have a jingoistic sound, but they reflect an honest faith and a true patriotism, and, as we can see now, were by no means always wide of the mark. It was certain that Texas would sooner or later come into the Union—that

is plain to-day. Indeed, there are some who think that if the northern states of Mexico were annexed to the United States it would be better for all concerned. The speech of Douglas on the Mexican war is, in parts, somewhat more than plausible. Its defect consists in its ignoring many important facts, as will appear when it is read in connection with the great speech of Benton on the Mexican intrigue. It is probable that the senator from Missouri went too far when he said that there was a scheme to use annexation as a means of breaking up the Union, though he knew much more about what was going on in Washington at the time than those who to-day doubt his theory. But he is much nearer the truth than Douglas, who not only favored the admission of Texas but defended all the steps that had been taken to bring it about. Benton's speech reflects and is inspired by a sound and high political and national morality, and that is something that cannot be said of the speech of Douglas. It is able and shrewd, but it is neither frank nor high-minded. One again thinks, when reading it, of the principle adopted by him in his youth: "Admit nothing, and require my adversary to prove everything material to the success of his cause. Every lawyer's experience teaches him that many good causes are saved and bad ones gained by a strict adherence to this rule." Few things in our history are more disgraceful than the correspondence

of Calhoun, then Secretary of State, with the British foreign minister in regard to a supposed conspiracy of the British Government to control Texas in the interest of freedom. That there should have been such an issue is bad enough, but it is much worse that Calhoun should have embodied in one of his despatches an elaborate defense of slavery, thus blazoning the nation's shame to the world. There is no possibility of defending the policy of the Polk and Tyler administrations in regard to Mexico. It was most warmly championed by those interested in slavery, and the holders of Texas scrip. Lincoln, a member of the houses, voted for a resolution declaring that the war with Mexico was "unnecessarily and unconstitutionally begun by the President of the United States." In this view Webster concurred, though his opposition to the war was largely the result of his feeling, shared by many of the people of the East, that no more territory should be annexed. "We want no extension of territory," he said. "We want no accession of new States. The country is already large enough." Years later, in one of his speeches in the debate with Douglas, Lincoln said: "I was an old Whig, and whenever the Democratic party tried to get me to vote that the war had been righteously begun by the President, I would not do it. But when they asked money or land warrants, or anything else to pay the soldiers, I gave the same vote that Douglas did." In

a letter to his old partner, William H. Herndon, who evidently favored the war, written February 1, 1848, Lincoln said: "You fear that you and I disagree about the war. I regret this, not because of any fear we shall remain disagreed after you have read this letter, but because if you misunderstand I fear other good friends may also. That vote affirms that the war was unnecessarily and unconstitutionally commenced by the President; and I will stake my life that if you had been in my place you would have voted just as I did. Would you have voted what you felt and knew to be a lie? I know you would not. Would you have gone out of the house —skulked the vote? I expect not. If you had skulked one vote, you would have had to skulk many more before the end of the session. Richardson's resolutions, introduced before I made any move, or gave any vote upon the subject, make the direct question of the justice of the war; so that no man can be silent if he would. You are compelled to speak, and your only alternative is to tell the truth or a lie. I cannot doubt which you would do." It is fairly clear that Douglas took the side that was popular in Illinois. There was in that State none of the feeling against expansion that there was in the East, nor was the antislavery sentiment strong. In 1840 and 1844 the State had cast its vote for the Democratic candidates. Lincoln's course, which was altogether right, evidently

gave his friends some concern. Having received a paper containing an "oration on the occasion of the celebrating the battle of Buena Vista," in which it was maintained that there had been no aggressions on the part of the United States, Lincoln wrote to the orator, the Reverend J. M. Peck, pointing out many acts of aggression. "I own," he said, "that finding in the oration a labored justification of the administration on the origin of the Mexican war disappointed me, because it is the first effort of the kind I have known made by one appearing to me to be intelligent, right-minded and impartial." After setting forth the facts that proved his case, the writer continued: "If you deny that these are facts, I think I can furnish proof which shall convince you that you are mistaken. If you admit that they are facts, then I shall be obliged for a reference to any law of language, law of States, law of nations, law of morals, law of religions, any law, human or divine, in which an authority can be found for saying those facts constitute no 'aggression.' Possibly you consider those acts too small for notice. Would you venture to so consider them had they been committed by any nation on earth against the humblest of our people? I know you would not. Then I ask, is the precept, 'Whatsoever things ye would that men should do to you, do ye even so to them' obsolete? of no force? of no application?" Douglas was much less careful

about his facts than Lincoln, and he was quite incapable of rising to the heights of idealism reached by the latter. Indeed, we have seen men in our own day sneer at the proposed application of the Golden Rule—to which Lincoln appealed—in politics or international relations. It is curious that two Southern-born men, one of whom was a slaveholder, Benton and Lincoln, should have opposed the policies of the Polk administration, and that a New-England-born man, who was not a slaveholder, should have supported them. Politics no doubt had something to do with it, though Benton was a Democrat. Yet the Whigs were doubtful about the wisdom of opposing the war, and some of them supported it. Lincoln, as has been seen, was forced by some of his party associates to defend himself. Many Democrats of the North were opposed to annexation, this being true generally of the Van Buren following. There was one man, however, Ralph Waldo Emerson, who, though he did not approve the methods used, nevertheless did think that the ultimate result was so certain, and also so desirable, as to make the methods of comparatively minor importance. James Ford Rhodes gives the following extract from Emerson's diary of 1844: "The question of the annexation of Texas is one of those which look very different to the centuries and to the years. It is very certain that the strong British race, which have now overrun so much of this continent, must

also overrun that tract and Mexico and Oregon also; and that it will in the course of ages be of small import by what particular occasions and methods it was done." It is remarkable that such words should have been written in the heat of the struggle by a man who loved liberty, and who knew the nature of the conspiracy. "Emerson," says Mr. Rhodes, "had remarkable foresight." It is undoubtedly true that men to-day think little of the motives or actions of the men who brought Texas, New Mexico, and California into the Union, and that they will think less as time passes. Nevertheless, Mr. Rhodes is right when he says that "in pondering the plain narrative of these events, more reason for humiliation than pride will be found," and that "the story of the annexation of Texas and the conquest of New Mexico and California is not a fair page in our history." The territory would have fallen to us sooner or later, had we only waited, but slavery could not wait. The story of the war itself need not be told, since it is not related to the life of Douglas, though there was talk of appointing him "Brigadier-Major" of Illinois volunteers. Douglas indeed asked to be appointed, but when the President said to him that he could best serve the country in Congress, he withdrew his application. The declaration of war was passed with only two dissenting votes in the Senate and fourteen in the House. The war, as every schoolboy knows,

was brilliantly fought. In a speech in the House of Representatives on January 12, 1848, Lincoln said that "our arms have given us the most splendid successes, every department and every part, land and water, officers and privates, regulars and volunteers, doing all that men could do, and hundreds of things which it had ever before been thought men could not do."

## CHAPTER III

### WAR AND POLITICS

THE war, however, figured largely in the politics of the year 1846, when a new Congress was elected. Douglas was renominated in January by a convention composed of 19 delegates. There was no opposition. His attitude on the Oregon question and his support of the war both strengthened him with the people of his district. He was elected by a plurality of more than 2,700, carrying every county except one. But the Democratic party suffered a serious reverse, and that in the midst of a war of its making. Its majority of more than 60 votes in the House was turned into a minority of 8. This, says Mr. Schurz in his life of Henry Clay, "was strange, but not inexplicable." "Although," he continues, "the bulletins from the theatre of operations reported victory after victory, the popular conscience, at least in the North, was uneasy, and the shouts of triumph could not silence its voice, which said that the war was unjust in its origin, and that slavery was its object. Moreover, the shuffling character of Polk's diplomacy, and his apparent consciousness of guilt, urging him incessantly in his public utterances to defend the govern-

ment as to the causes of the war, repelled the popular heart; and thus an administration victorious in the field was defeated at the ballot-box." The party that could have been beaten by the Whigs in that year must have been pitifully weak, for the Whigs had failed to maintain any logical or consistent attitude toward the war. They had rightly opposed it, then had practically all voted for it, and then had continued their opposition while the struggle was on. Clearly they won on the weakness of their adversary rather than their own strength. The slavery men in Congress did much during the summer of 1846 to solidify Northern sentiment. They began a movement looking to peace, which showed that they cared more for additional slave territory than for victory. After liberal appropriations had been made for the prosecution of the war, the President asked for \$2,000,000 to be used in negotiations with Mexico, the hope being to end the war and to get the territory that was wanted. Then it was that David Wilmot, a Pennsylvania Democrat, offered an amendment to the \$2,000,000 appropriation bill providing that slavery should be forever prohibited in all territory that might be acquired from Mexico. The amended bill passed the House but was defeated in the Senate. Douglas voted against the proviso. It was he who moved the amendment to the act admitting Texas by which the Missouri Compromise line was extended through

the new territory. Under this act four States besides Texas could have been created, slavery being permitted in those south of the line and forbidden in those north of it. But these negotiations for peace in the midst of a victorious war, coupled with the defeat of the amendment forbidding slavery in the new domain, did much to weaken the Democratic party by seeming to justify the Whig theory of the war. There was, too, a suspicion that the administration was jealous of the two Whig generals—Scott and Taylor—who were so brilliantly successful. At any rate, the Whigs were victorious. In Illinois, however, the Democrats elected their State ticket, and carried every congressional district except the seventh, from which Abraham Lincoln was returned.

As chairman of the committee on territories, Douglas was practically the leader of his party in the House. For that was the most important committee at that time, since it had to do with a subject that could not be considered apart from slavery, which menaced the very life of the nation. Men were beginning to realize this, and the leaders in Congress—Webster, Clay, Benton, and Douglas—did everything they could to minimize it and to keep it in the background. It is certainly fair to assume that their motives were good, since the danger was real. For Douglas it is to be said that for the next seven years he travelled in close company with

Henry Clay, supporting his compromise measures wholeheartedly and not going beyond them. Between the two men there seems to have been the closest sympathy. Clay, however, had condemned slavery, and had compromised with it only to ward off a greater evil—disunion. This Douglas had not yet done, and was not to do for many years. His attitude was rather one of indifference toward it. In his debate with Lincoln he said that he did not care "whether slavery was voted up or down," a statement of which Lincoln made much. Clay's attitude was almost precisely that taken by Lincoln a few years later. One has only to read the Lincoln and Douglas debate to see how wide was the gap between Douglas and Lincoln. Yet these three men were alike in having no sympathy with abolitionism.

At the session of Congress immediately following the election of 1846, the Mexican question was still the leading one. The Whigs attacked the administration, and Douglas led in its defense. Again it was proposed, in accordance with the recommendation of the President, to negotiate with the Mexican Government, an appropriation being advised to pay for any territory that might be acquired. This policy had the approval of Douglas. When the bill was brought up in the House, Wilmot again moved to attach his proviso, and his motion was carried by a majority of nine. The Senate struck it out, and the House receded, and passed the bill

as it came back from the Senate. The sectional line was drawn more clearly and sharply than ever before. All the Whigs and many of the Democrats from the free States voted for the proviso, while all the members from the slave States, with the exception of the one from Delaware, voted against it. Though negotiations had been authorized, the war went on in the most vigorous way throughout the year 1847. General Scott captured Mexico City, and New Mexico and California were conquered. Early in the year the legislature of Illinois elected Douglas to the Senate, and he was immediately made chairman of the committee on territories. Professor Allen Johnson in his life of Douglas says: "It was then a position of the utmost importance, for every question of territorial organization touched the peculiar interests of the South. The varying currents of public opinion crossed in this committee. Senator Bright of Indiana is well described by the hackneyed and often misapplied designation, a Northern Democrat with Southern principles; Butler was Calhoun's colleague. Clayton of Delaware was a Whig and represented a border State which was vacillating between slavery and freedom; while Davis was a Massachusetts Whig. Douglas was placed, as it appeared, in the very storm-centre of politics, where his well-known fighting qualities would be in demand. It was not so clear to those who knew him that he possessed the

not less needful qualities of patience and tact for occasions when battles are not won by fighting. Still, life at the capital had smoothed his many little asperities of manner. He had learned to conform to the requirements of a social etiquette to which he had been a stranger, yet without losing the heartiness of manner and genial companionableness with all men which was, indeed, his greatest personal charm. His genuineness and large-hearted regard for his friends grappled them to him and won respect even from those who were not of his political faith." It was in this year, shortly after he became senator, that Douglas married Miss Martha Denny Martin, the daughter of a South Carolina planter and slave-owner. There is no doubt that this marriage had a great influence on his life—perhaps even on his opinions. It represented a sort of personal alliance between the North and the South at a time when the sections were drifting farther and farther apart. Douglas must have been charmed by the graciousness of Southern hospitality. Also he saw slavery at its best. As a result of it all he no doubt acquired a Southern point of view such as he had not before had. Such a man would naturally be greatly influenced, even if unconsciously, by his friends. The young woman who became his wife was endowed with charm of manner and keenness of mind. It was, if there ever was one, a love-match.

Southern society was in the highest degree conservative, and Washington was largely Southern. Its conservatism was the conservatism of aristocracy. The people were satisfied with the status quo. Many of them felt that they were called to defend, not so much slavery, as a social order, of which slavery was only a part, though a very important part. The abolitionists were looked on, not as champions of freedom but as enemies of society, disturbers of the peace, and intruders in the domestic affairs of a people. It was into this atmosphere that Douglas was ushered by his marriage. His father-in-law, Colonel Martin, was himself a slaveholder. It was impossible that the young senator could have seen any resemblance between him and the terrible portrait of the slaveholder drawn by the abolitionists. The fact that Douglas had never experienced any moral revolt against slavery made it all the easier for him to be influenced. When later his wife inherited her father's slaves it became still more difficult for Douglas to condemn as a whole the class which she then entered. Douglas himself refused to take charge of the plantation, though asked by Colonel Martin to do so, as he did not wish to own slaves. When three years later he was charged with being a slaveholder, he gave the facts, as set out above, to the world, and said in a letter to a friend: "It is true that my wife does own about 150 negroes in Mississippi on a

cotton-plantation. My father-in-law in his lifetime offered them to me and I refused to accept them. This fact is stated in his will, but I do not wish it brought before the public as the public have no business with my private affairs. . . . It is our intention to remove all our property to Illinois as soon as possible." The slaves would then have been free.

Douglas was justified in believing that his course so far was approved by the people of Illinois. For he had been elected three times to the House of Representatives, each time by an increased majority, and finally promoted to the Senate. No one knew better than he that the State was practically untouched by the abolition sentiment. It had voted twice for Jackson, twice for Van Buren, and had proved its loyalty to the Democratic party in what may be said to have been a supreme test—when it voted for Polk in 1844 as against Henry Clay. Illinois had stood fast even in the "Log Cabin and Hard Cider" campaign of 1840. There was, therefore, nothing in the situation at home to rouse in Douglas any interest in slavery as a practical political issue. Illinois had been settled largely from the South, and it was not—as yet—greatly concerned over the fate of the negro. Very early what has since been known as the "moderation" of the Middle West began to manifest itself. Viewing conditions solely from the immediately practical

angle Douglas could hardly have helped feeling that he was on the right track. He was, however, destined to receive, if not a shock, at least a jar in the near future. There came a time when he had to face the problem not only of preventing a dissolution of the Union but of keeping his party together in Illinois. During the last ten years of his life he cannot be said to have been inspired by wholly unmixed motives. But at the present stage of his career, happily married, a member of the United States Senate, and possessing the confidence of his people, few public men in the country were more fortunately placed.

The Senate in which Douglas took his seat in December, 1847, was a very strong body. Among its members were Webster of Massachusetts, Calhoun of South Carolina, Dix of New York, Reverdy Johnson of Maryland, Benton of Missouri, Mason of Virginia, Cass of Michigan, Houston of Texas, Jefferson Davis of Mississippi, Corwin of Ohio, Bell of Tennessee, Crittenden of Kentucky, and others hardly less notable. Calhoun had been Vice-President and Secretary of State, Webster, Secretary of State, while Cass and Bell were later to be candidates for the presidency, and Jefferson Davis became President of the Confederacy. Clay was not a member, he having retired a few years before, as he thought permanently. Two years later he returned and served till the end of his life. Per-

haps never in our history was the Senate as influential as in those days. The great men of the nation almost seemed to gravitate to it by a natural law. It had been so from the beginning of the government. While he was by no means the equal of the acknowledged leaders, Douglas was nevertheless respected and trusted by them, and wielded a strong and steadily growing influence. He soon became a national figure and the recognized leader of his party. There can be no questioning the power of a man who was able to win distinction in competition with such associates.

One of the important questions that pressed in the winter of 1847-1848 was that of winning the presidential election of the latter year. It was not an easy one. The position of many men on the slavery issue was determined almost wholly by political considerations. When Texas was admitted to the Union, the nation annexed not only a war with Mexico but, as any one can now see, the Civil War. The problems were of the most difficult character, and they all had their political side. As a result of the war, General Zachary Taylor became a national hero. Two years before, or immediately after Taylor's great victories of Palo Alto and Resaca de la Palma, certain of the Whig leaders, in a tentative way, launched the Taylor "boom." The general had never voted, and he cared nothing and knew little about politics. In

deed, he himself had said, in a letter that was made public, greatly to the discomfiture of his supporters, that he had only "crude impressions on matters of policy." In the beginning he expressed the opinion that the movement in his interest was absurd. But it spread, and gradually Taylor changed his mind, and soon allowed himself to become at least a "receptive candidate." His determination to be the people's candidate rather than the candidate of a party did not arouse much enthusiasm among the Whigs. But public meetings had been held in many sections of the country, participated in by many who were not Whigs, demanding the nomination of Taylor. Perhaps he was right in appealing for general support. Clay still hoped to be nominated, and he expected that if he were chosen by the Whig convention, General Taylor would retire. But in two letters written in April, 1848, one addressed to the public and the other to Clay himself, the general said that having been nominated by "the people called together in primary assemblies in several of the States," he considered himself "in the hands of the people, and would stay in the field no matter what the Whig convention might do." Thus the Whigs got a candidate whom they probably did not want, though they would have taken any one with whom they might win; and the Democrats found all the political capital that they looked for as a result of the war in the hands of their oppo-

nents. The Whig convention met in June, 1848, and on the fourth ballot nominated General Taylor, his vote being 171 to 32 for Clay. A month before the Democrats had nominated Lewis Cass. There was great dissatisfaction in both parties. The Whigs adopted no platform, though never was one more needed, since no one knew the views of their candidate. There were several antislavery resolutions offered, but all were voted down. On the other hand, the Democrats refused to indorse Calhoun's view that Congress had no power to exclude slavery from the Territories. The Whig leaders hoped to hold the Southern members of the party, while the Democrats sought to keep in line the Democrats of the North. Clay was bitterly disappointed, not wholly for personal reasons, and he refused to take any part in the campaign. Webster denounced Taylor's nomination as "one not fit to be made," though he did, after his anger had subsided, later in the campaign, advise his friends and neighbors to vote for Taylor. To make matters still worse, General Taylor, shortly before the election, accepted a nomination from a Democratic convention held in South Carolina by men who distrusted General Cass because he was a Northern man. There had been schisms in both the great conventions, the seceders in both cases being antislavery men. The Barnburner wing of the Democratic party met in convention at Utica and nominated Martin Van

Buren as its candidate for the presidency, and condemned the extension of slavery into the Territories. In August a great antislavery convention was held at Buffalo, attended by antislavery men of all parties. The candidates were John P. Hale, an antislavery Democrat, who had been nominated the preceding autumn by the Liberty party, and Martin Van Buren, who was chosen by the Buffalo convention. Nothing could have been more insincere than the campaign that followed. Taylor was supported by the Southern Whigs because he was a Southern man, and was said to be "safer" on the slavery question than General Cass, while the Northern Whigs took much comfort in the fact that their candidate was declared to be in favor of the Wilmot proviso. Both parties denounced the Free-Soilers, and both were thoroughly dishonest in their attitude toward the great questions of the day. The Buffalo convention helped Taylor at the expense of Cass, the Whigs carrying fifteen States, eight of them being Southern States. Illinois continued true to the Democratic party, giving Cass a plurality of a little more than 3,000. Van Buren, however, received 15,774 votes in Illinois, a vote sufficiently large to indicate a decided growth in aggressive antislavery sentiment. Such, in brief, was the situation as it existed or was swiftly developing in the year 1848. The country was waking up to the great evil of slavery, and, more than that, it was beginning to see that the

old methods of dealing with it would no longer serve. Yet the leaders in public life, including Douglas, continued those methods almost up to the outbreak of the Civil War. The Whig party never won another victory, and never deserved to.

In the midst of all this manœuvring, in February, 1848, a treaty of peace with Mexico was signed. It was approved by the President, and later ratified by the Senate. Under its provisions Upper California and New Mexico became American territory. New Mexico included the present State of that name, practically all of Utah and Nevada, and all of Arizona except the southern part which came in five years later under the Gadsden purchase. Upper California was substantially the California of to-day. Here was a vast territory to be struggled over. Douglas, it will be remembered, had suggested that the Missouri Compromise should be extended through Texas. The issue was first raised over Oregon, which had been long waiting for a territorial government. The Illinois senator had also favored extending the line of the Compromise to the Pacific Ocean. Others favored the attachment to the Oregon bill of a slavery-exclusion clause resembling the now famous Wilmot proviso. Such an amendment was offered by John P. Hale to the bill presented by Douglas. Three bills had been introduced for the organization of Oregon. The fourth was introduced by Douglas, January 10, 1848. No one be-

lieved that slavery could ever exist in the new Territory, but one side was endeavoring to create a precedent that would be useful in future argument in favor of the power of Congress to legislate with regard to slavery, and the other was fearful that the precedent might be created. The slavery men were thinking of the territory acquired from Mexico. Many compromises were offered, Douglas again proposing to extend the Missouri Compromise to the Pacific, the effect of which would have been to permit slavery in New Mexico, Arizona, and the southern half of California. The bill as passed was identical with the first one introduced by Douglas in the House, and organized Oregon with the restrictive clause of the Ordinance of 1787 forbidding slavery. Here, indeed, was a precedent of a rather formidable character, and it was one that must have embarrassed Douglas considerably when he came to deny, or felt forced to deny, the power of Congress to legislate either for or against slavery in the Territories. For in the Oregon case Congress certainly did legislate on the subject, and did exclude slavery. It was in connection with the Oregon controversy that the squatter-sovereignty doctrine originated, and not with Douglas. Cass had the year before expressed the opinion that it was the business of Congress to frame governments for the Territories, permitting the people to order their internal affairs as to them seemed best. In the

Oregon debate Dickinson of New York took the same view, and held that the right to regulate their affairs was inherent in the people. This was squatter sovereignty. It was rejected in the Oregon case. It was at this time also that the theory that the Constitution follows the flag originated. It was evolved by Calhoun in the interest of slavery. The territory acquired from Mexico was free, and the Mexican Government had asked that it continue free under the American Government. Mr. Rhodes says: "An incident in the negotiation of the treaty displayed whither was our drift in obedience to the behest of the slave power. . . . During the progress of the negotiations, Mexico begged for the insertion of an article providing that slavery should not be permitted in any of the Territories ceded. Our commissioner replied that the bare mention of the subject in a treaty was an utter impossibility; that if the territory should be increased ten-fold in value, and, besides, covered all over a foot thick with pure gold, on the single condition that slavery should be excluded therefrom, he could not then even entertain the proposition, nor think for a moment of communicating it to the President. The 'invincible Anglo-Saxon race' could not listen to the prayer of 'superstitious Catholicism, goaded on by a miserable priesthood,' even though the prayer was on the side of justice, progress, and humanity." So we paid thousands of lives and

\$15,000,000 for the purpose of widening the bounds of slavery. Calhoun argued that the Constitution went with the flag, and that it carried slavery with it, since slavery was by implication recognized in the Constitution. Benton denounced this new doctrine "of the transmigratory function of the Constitution, and the instantaneous transportation of itself and its slavery attributes into all acquired territories." If this dogma had prevailed slavery would have existed to-day in the Hawaiian Islands, the Philippines, Porto Rico, Alaska, the Panama zone, and the Virgin Islands. Webster denounced it and showed its utter falsity. But Calhoun and his followers were interested, not in the Constitution but slavery, and they endowed it with the quality of self-extension and self-perpetuation, denying not only that the government had power to exclude it but that even the people of the Territories could say whether they wanted it or not. These men were as strongly opposed to squatter sovereignty, except when they saw that they could win by it, as to the Wilmot proviso.

However, the Oregon question was disposed of, the Territory having been organized under the Douglas bill. But Congress adjourned without taking any action in regard to the Mexican cession. Nothing was done during the short session of 1848-1849, though several attempts were made. Again the issue was between the friends and the opponents

of the Wilmot proviso. The question, of course, was how much the friends of freedom could barter away by compromise without utterly surrendering the principle. No one knew just what would be the attitude of President Taylor. But it was soon learned that he was a patriot, and as devoted to the Union as Jackson had been. President Polk, just before his retirement, had urged territorial governments for New Mexico, and favored the extension of the Missouri Compromise line. The only important feature of the session was the debate between Webster and Calhoun in which the former combated, and with entire success, the claim that the Constitution recognized slavery except as a local institution, protected by local laws. That indeed was the great issue, and it continued to be such till it was settled by the Civil War. It is easy enough now to see that there was no possibility of compromise, but the situation was far from clear at the time. The great object of the slavery men was to extend slavery, while the object of the compromisers was to prevent the dissolution of the Union, a possibility which many of the Southern leaders viewed with perfect equanimity. Manifestly they occupied the stronger position, for they were resolved on winning at any cost. But there was a price which the compromisers were unwilling to pay. The Southerners had, from their point of view, everything to gain and nothing to lose.

In Congress the Southern men were becoming increasingly aggressive under the leadership of Calhoun, ably seconded by some of the newer men, notably Jefferson Davis. From the North men were beginning to appear in Congress who were strongly opposed to slavery, as Seward of New York, who was elected to the Senate in 1849. Theodore Roosevelt, in his life of Thomas H. Benton, insists that the abolitionists did little or nothing that contributed to the abolition of slavery. The Southern men of the time were not of that opinion. It is something to keep a great issue before the people, to state it clearly and courageously, and to agitate it. King Ahab when he met the prophet Elijah, said: "Art thou he that troubleth Israel?" The prophet replied: "I have not troubled Israel, but thou and thy father's house." The slavery men undoubtedly thought that the abolitionists had greatly troubled their Israel, and such was the fact. Had they not felt so they would not have excluded abolition pamphlets from the South, or denied the right of petition to Congress. Prophets do not often cut a great figure in politics, but they do stir the consciences of men. Such men as Garrison, Phillips, and Parker exerted an influence of which statesmen and politicians were not conscious till they saw the tide begin to rise, or—to change the figure—felt the ground quaking under their feet. It is their great and lasting distinction that they and their

fellows were for years the only ones who appealed straight to the conscience of the American people. Doubtless they were not "practical," but they did not pretend to be. For years they and the extreme slavery men were the only people in the country who said exactly what they thought. A nation in which the political spirit widely prevails, and in the life of which compromise necessarily plays an important part, can ill afford to lose out of that life the spirit that prompted these words of William Lloyd Garrison: "I am in earnest. I will not equivocate; I will not excuse; I will not retreat a single inch; and I will be heard." The language, at any rate, was such as the South could understand. Of course there were other influences at work. The arrogance and aggressiveness of the slavery advocates played an important part in rousing the friends of freedom, and they reacted strongly. Northern politicians began to see that they could not win elections, or get offices for themselves, by truckling to slavery. But this was because the people were roused against slavery, and certainly the abolitionists had something to do with rousing them. Even now one feels a sense of refreshment in turning from the speeches of even the greatest men—such as Webster and Clay—to the poems of Whittier and Lowell and the writings of Garrison. These men at least saw that sooner or later truth and error would have to stand face to face, and that com-

promises were bound to fail. Compromises neither saved the Union nor destroyed slavery. We can give full credit to the men who honestly and laboriously strove to accomplish the impossible without depreciating the influence of the men who were mobbed and martyred because of their passionate devotion to the great cause of liberty and humanity. Those are sad days for any nation in which there is no "open vision." Prophets are not always law-givers or statesmen, but even so they serve a useful purpose. The prophetic is not the least important element in the life of nations or individuals.

Douglas was quick to sense a change of conditions, though it cannot be said that his course was greatly affected by it. The vote in Illinois for Van Buren, the Free-Soil candidate, was certainly a danger-signal. The Whigs made a large gain over the vote of 1844, while the Democratic vote showed an actual falling off, though there had been a heavy increase in the voting population. The people of Illinois had supported the Mexican War, approved Douglas's speech in defense of it, and returned him to the House, later sending him to the Senate. In 1837 the legislature had adopted a joint resolution condemning abolitionism as "more productive of evil than of moral and political good." There was a modified form of slavery in the State under the indenture system when it was admitted to the Union. But the coming of New Englanders into the northern

part of the State, and later of the Germans, wrought a great change in sentiment. In 1840 the Liberty party polled only 160 votes, which increased to 3,469 four years later. In 1848 the Free-Soil party, as has been seen, polled 15,774 votes, and they were practically all drawn from the Democratic party. Shortly after the election of 1848, the legislature, which was supposed to be strongly Democratic, and which elected a Democratic speaker, adopted the following resolution: "Resolved, That our senators in Congress be instructed, and our representatives requested, to use all honorable means in their power to procure the enactment of such laws by Congress for the government of the countries and territories of the United States, acquired by the treaty of peace, friendship, limits, and settlement, with the republic of Mexico, concluded February 2, A. D. 1848, as shall contain the express declaration that there shall be neither slavery nor involuntary servitude in said territories, otherwise than for punishment for crime, whereof the party shall have been duly convicted." Fifteen members who had voted for the Democratic candidate for speaker, also voted for this resolution. The action was construed, and naturally, as a rebuke to Douglas, who had opposed the Wilmot proviso that would have kept slavery out of this new Territory, and suggested the extension of the Missouri Compromise to the Pacific coast, the effect of which would have been to throw open a large

part of the Territory, including the southern part of California, to slavery. Men of all parties voted for the resolution of instruction, while it was opposed solidly only by the Democrats of the Southern counties. Clearly the immediate task of Douglas was not to maintain the Union but to keep his party together in Illinois. He did not resign, as many thought he would be forced to. He did obey the instructions, though protesting that his vote was not his own, but a mere reflection of the will of his constituents, thus remaining true to the theory adopted by him in his youth, when, in the legislature, he voted for internal improvements. But he did at once begin to look for a way out, and he found it in squatter, or popular, sovereignty. He would not exclude slavery from the Territories, but he would give the people the right to say whether they would have it or not. The appeal went home in Illinois, for its people were, and for years had been, firm believers in the doctrine of local self-government. This feeling was strengthened by the coming into the State of people from New England who had lived under the town-meeting system.

But the situation was ominous. There was danger not only of a split in the Democratic party of Illinois but of a sectional division separating the northern from the southern part of the State. Douglas had to feel his way. He realized that his people would oppose any policy that contemplated

the extension of slavery, or even seemed to permit it. The question was whether they would be content with not forcing slavery on the Territories, but leaving their people to decide whether they wanted it or not. Douglas's interest in popular sovereignty seems to have developed largely, if not wholly, out of a purely local situation.

The Free-Soil party, both in Illinois and the nation, soon disappeared, the men who had gone into it returning to their old political affiliations, and for a time it seemed as though the political life of the nation were to continue on the old lines. Douglas was again master in Illinois, and, though his leadership was several times challenged, he maintained his hold on his party till the end of his life. But no one believed that the slavery menace had disappeared, or that any solution of the problem was in sight. On the contrary, there were the gravest apprehensions. The older men, Webster, Clay, and Calhoun, recognized the peril, and did not conceal from themselves or others their belief that the Union itself was in jeopardy. Douglas does not seem to have been greatly disturbed, nor were the younger men, broadly speaking, much alarmed. Probably the politicians felt that, with the dissolution of the Free-Soil party, the old party organizations would continue much as they had been, and that to them would fall the task of carrying on the nation's business. Yet the old issues were mostly dead. The

country had greatly prospered under the tariff of 1846, and there was no disposition to change it. Indeed, it continued in force till 1857, when it was considerably lowered. The battle over the bank had long ago been fought out. There were loose and close constructionists of the Constitution in both parties. Practically the only issue was slavery, and that was not partisan but sectional, both parties being divided on it. Both also had trifled with it. The Whig party, though it had its President in the White House, was practically dead, though it did not know it. The Democratic party carried but two more elections, and never won another one till 1884.

## CHAPTER IV

### FREEDOM OR SLAVERY

GENERAL TAYLOR was inaugurated as President, and Millard Fillmore as Vice-President, March 5, 1849, March 4 falling on Sunday. The President's inaugural was brief, and couched in the most general terms. Having sworn to "preserve, protect and defend" the Constitution, he said: "For the interpretation of that instrument I shall look to the decisions of the judicial tribunals established by its authority, and to the practice of the government under the earlier Presidents, who had so large a share in its formation. To the example of those illustrious patriots I shall always defer with reverence, and especially to his example who was by so many titles 'the Father of his country.'" Reference was made to the revolutionary movements in Europe, coupled with a reaffirmation of Washington's warning against entangling alliances. The President pledged himself to promote efficiency both in the military and civil service, and promised to "make honesty, capacity and fidelity indispensable requisites to the disposal of office, and the absence of either of these qualities shall be deemed sufficient cause for removal." "Chosen by the body of the

people," the President said, "under the assurance that my administration would be devoted to the welfare of the whole country, and not to the support of any particular section or merely local interest, I this day renew the declaration I have heretofore made, and proclaim my fixed determination to maintain to the extent of my ability the government in its original purity, and to adopt as the basis of my public policy those great Republican doctrines which constitute the strength of our national existence." The closing paragraphs pointed to compromise, moderation, and peace. "I shall," the President said, "look with confidence to the enlightened patriotism of that body [Congress] to adopt such measures of conciliation as may harmonize conflicting interests, and tend to perpetuate the Union which should be the paramount object of our hopes and affections. In any action calculated to promote an object so dear to the heart of every one who truly loves his country, I will zealously unite with the co-ordinate branches of the government. In conclusion, I congratulate you, my fellow-citizens, upon the high state of prosperity to which the goodness of Divine Providence has conducted our common country. Let us invoke a continuance of the same Protecting Care which has led us from small beginnings to the eminence we this day occupy, and let us seek to deserve that continuance by prudence and moderation in our councils; by well-directed

attempts to assuage the bitterness which too often marks unavoidable differences of opinion; by the promulgation and practice of just and liberal principles, and by an enlarged patriotism which shall acknowledge no limits but those of our own widespread republic." The President, at least, made it clear that he did not regard the preservation of slavery as paramount to the maintenance of the Union. He could not well have gone further without rousing, at the very beginning of his administration, those passions which he sought to allay. His words must have had a special significance as coming from one who was a citizen of Louisiana and a slaveholder. General Taylor was shortly called on to prove his devotion to the Union, and he did it in impressive and unmistakable fashion. But no one could tell from his address whether he was a Whig or a Democrat. He was sincere in thinking of himself not as the representative of any party but as the servant of all the people.

The new cabinet was a compromise cabinet. Of the seven members, four were Whigs from the slaveholding States, Crawford of Georgia, the Secretary of War, being the only representative of the extreme proslavery faction. Of the three Northern Whigs, Collamer of Vermont, postmaster-general, was known as an antislavery man. In the closing days of the Polk administration attempts had been made to settle the status of the new Territory, attempts

in which Douglas played a leading part. It was proposed to extend the Missouri Compromise line, to admit the Territories, leaving the question of their free or slave status to be determined by the judiciary, to admit—this was Douglas's plan—New Mexico and California forthwith as States in the hope that they would decide their own destiny. All these plans failed. Douglas then proposed to divide California, and admit the western part of the State, and to admit California and New Mexico as two States. But he met with no better success. Douglas was not interested in the slavery question as it affected the issue, but he did earnestly desire to provide a government of some sort for the people of the new Territory, and was specially interested in California. His programme was entirely fair to the South. But the truth was that the extreme slavery men were in control, and they did not wish any more free territory without compensation. This was made very clear. The session closed in disorder almost amounting to riot. There were in the House of Representatives two personal encounters which resulted in bloodshed. Everything pointed to the necessity of compromise, unless there was to be war.

The compromisers began their work at the next session, which met in December, 1849. But before that time the new President had taken an important step. He gradually revealed himself, if not as a

Whig, at least as an opponent of the extension of slavery. "The people of the North," he said, in a speech delivered in Pennsylvania in August, "need have no apprehension of the further extension of slavery; the necessity of a third party organization on this score would soon be obviated." The President's chief adviser in New York was not Vice-President Fillmore but William H. Seward, lately elected to the Senate. The situation was developing in such a way as greatly to alarm the slavery men, who felt that any limitation of slavery menaced its existence. It was no longer enough that they be "let alone"; they insisted that the bars should not be put up anywhere, and that the people should not have the right to legislate against slavery in their own communities. In April, 1849, President Taylor sent a special representative to California, T. Butler King, a Whig congressman from Georgia, to co-operate in the work of forming a State government. Under the leadership of the military governor, General Riley, the movement had already been begun. The constitutional convention met on September 1, 1849, and on October 13 submitted to the people a constitution containing a prohibition of slavery. The convention voted unanimously for the constitution, though fifteen of its members had come from slave States. The people ratified the constitution by a vote of 12,066 to 811. It was hoped by the President that the people of New

Mexico would take a similar course. His plan was to submit to Congress territorial organizations as accomplished facts.

Hardly a legislature met that did not express itself on the great issue, those of the Southern States declaring that the exclusion of slavery was in derogation of Southern rights, while every Northern legislature except one adopted resolutions favoring the Wilmot proviso. A meeting held at Jackson, Miss., in May, 1849, declared in favor of calling a State convention to devise methods to protect the rights and interests of the South. The convention met, issued an address to the people, and proposed that a general convention be held in June of the following year at Nashville. By this time matters had gone so far that some Southern men had come to the conclusion, though, as Mr. Schurz says, "regretfully," that "the dissolution of the Union was necessary to the salvation of slavery." Such was the state of affairs when Congress came together in December, 1849. Though California had adopted a free constitution it divided when it came to electing senators, sending John C. Frémont, who was opposed to slavery, and William M. Gwin, who was proslavery. Henry Clay was a member of the new Senate, and of course the great leader in the compromise movement, though Douglas was hardly less prominent. The refusal of Joshua R. Giddings, and other Free-Soilers, to vote for Robert

C. Winthrop of Massachusetts as speaker of the House resulted in the choice, after a struggle lasting three weeks, of Howell Cobb of Georgia, of whom Horace Mann said: "He loves slavery; it is his politics, his political economy, his religion." Mann voted for Winthrop as "the best man we could possibly elect." There were those scenes of violence that had almost come to be usual, the Southern men being most arrogant and aggressive.

The storm that broke over the election of a speaker gathered force rapidly. Southern Whigs and Democrats alike denounced as unconstitutional the action of the President in suggesting to the people of New Mexico and California that they form State governments, and charged the President with being a traitor to the South. Toombs and Stephens of Georgia, both Whigs, were violent in their sectional appeals. The message of the President, though mild and pacific in tone, gave fresh cause of offense. He informed Congress that California had adopted a constitution, and would shortly apply for admission to the Union. He recommended favorable action on the application. The people of New Mexico would, he was advised, take a similar course. Congress, the President suggested, would do well to wait till they had acted, and in the meantime "abstain from the introduction of those exciting topics of a sectional character which have hitherto produced painful apprehensions in the

public mind." But Clay and those who acted with him felt that delay was impossible, that the problems must at once be solved, and that they could be solved only through compromise. On January 29 the Kentucky senator brought before the Senate a series of resolutions which he hoped and believed would serve as the basis for an adjustment. It was proposed to admit California as a free State; to establish territorial governments in the territory acquired from Mexico without any reference to slavery since it was not likely that slavery would ever be introduced there; to determine the boundary between Texas and New Mexico, and pay the bona-fide debt of Texas if she would relinquish her claim to any part of New Mexico; to abolish the slave-trade in the District of Columbia, though not to abolish slavery except with the consent of Maryland and the people of the district, and compensation to the owners of slaves; to strengthen and make more effective the fugitive-slave law; and to commit Congress to the doctrine that it had no power to interfere with the slave-trade between the States. Clay supported these resolutions in a speech of great power. Manifestly concessions would be required from both sides, but the speaker thought that they were concessions "not of principle but of feeling, of opinion in relation to matters in controversy between them." The South was asked to yield in regard to California, though it had no ground

to stand on, since the people had adopted a constitution, as they had a right to do. As for the North, it was pointed out that it would gain nothing from a formal exclusion of slavery from the Mexican territory since slavery did not exist there, and probably never would. "What," Clay asked, "do you want who reside in the free States? You want that there shall be no slavery introduced into the territories acquired from Mexico. Well, have you not got it in California already, if admitted as a State? Have you not got it in New Mexico, in all human probability also? What more do you want? You have got what is worth a thousand Wilmot provisos. You have got nature herself on your side." This was the view of Webster and Douglas. Webster appealed to "the law of nature, of physical geography, the law of the formation of the earth," as effectively excluding slavery. Speaking of the possibility of slavery in New Mexico and Utah, Douglas said: "There is no ground for apprehension on this point. If there was one inch of territory in the whole of our acquisition from Mexico, where slavery could exist, it was in the valleys of Sacramento and San Joaquin, within the limits of the State of California. It should be borne in mind that climate regulates this matter, and that climate depends upon the elevation above the sea as much as upon parallels of latitude." California, he said, "is now free by law and in fact, it is free according to those

laws of nature and of God, to which the senator from Massachusetts alluded, and must remain forever free. It will be free under any bill you may pass, or without any bill at all." Douglas argued that the Ordinance of 1787 had not excluded slavery, since it had existed in the Territory covered by it; that slavery was not excluded by the Missouri Compromise, or by the Oregon act; in all these cases it had disappeared because it was opposed to public sentiment, and incapable of adaptation to physical conditions. The difficulty, of course, was in knowing just what parallels of latitude or what elevation above the sea would be necessary to protect the people who believed in freedom. But it is certain that slavery could not have continued to endure in any industrial and progressive community. Douglas was not serving the cause of slavery. On the contrary, he may have proved too much in the eyes of the Southerners. He assuredly approached the subject from the side of freedom. He spoke of Calhoun's "error of supposing that his particular section has a right to have 'a due share of the territories' set apart and assigned to it," therein agreeing with Webster, who, in a very convincing speech, showed that slavery was sectional and local, and freedom universal. "We all," continued Douglas, "look forward with confidence to the time when Delaware, Maryland, Virginia, Kentucky, and Missouri, and probably North Carolina and Tennessee,

will adopt a gradual system of emancipation. In the meantime we have a vast territory, stretching from the Mississippi to the Pacific, which is rapidly filling up with a hardy, enterprising, and industrious population, large enough to form at least seventeen new free States, one-half of which we may expect to see represented in our body during our day. Of these I calculate that four will be formed out of Oregon, five out of our late acquisitions from Mexico, including the present State of California, two out of the Territory of Minnesota, and the residue out of the country upon the Missouri River, including Nebraska. I think I am safe in assuming that each of these will be free Territories and free States whether Congress shall prohibit slavery or not. Now, let me inquire where are you to find the slave Territory with which to balance these seventeen free Territories or even any one of them?" Undoubtedly this was the feeling of many men—and it was wholly justified—who were willing to compromise with slavery. They bargained with it not for the purpose of saving it but in the sure confidence that it would die a natural death. Nor can there be any question that the slavery men felt that slavery was in peril from the very natural and political forces on which Webster, Clay, and Douglas so largely relied. Had they not been they would not have been so feverishly eager to buttress it, and to acquire new territory to which they hoped

it might spread or be carried. What they feared was not the abolition of slavery by law but its disappearance through collision with the forces trusted to by Douglas.

There was not the slightest reason to fear that the general government would interfere with slavery in the States. Men of all parties, always excepting the abolitionists, were opposed to any such policy, and denied that Congress had any power to interfere. Nor was there any thought of such a thing till, in the midst of the Civil War, Lincoln decided to emancipate the slaves as a war measure. The fears of the Southern men were proofs of their realization of the weakness of the institution and of the social order based on it. That is why they attempted to deny to the people—and largely succeeded in doing so—the right to petition Congress on the subject, and demanded the exclusion of abolition literature from the mails. What they dreaded—at least this is true of the extreme men—was not dissolution of the Union but dissolution of Southern society through internal strife, and even insurrection. Nothing, in other words, could be free where men were not free. Great Britain's emancipation of slaves in her American possessions, and everywhere, was felt to be a blow at American slavery. There was strenuous objection to granting the privileges of the floor of the Senate to Father Mathew, the apostle of temperance, because he

had years ago signed, with Daniel O'Connell, an antislavery appeal. This state of mind was the natural product of existing conditions. The fears of Calhoun and his followers were abundantly justified. But they served to make the work of compromise much more difficult. For the slavery men felt that any concessions on their part might be construed as an admission by them that slavery was wrong, and have the effect of still further weakening it.

Such was the situation that Clay faced when he offered his resolutions which were the result of his efforts to hit upon "some comprehensive scheme of settling amicably the whole question in all its bearings." Believing—and with reason—that the Union was in danger, his great object was to save it. There can be no question as to the sincerity of his motives, or the patriotism that prompted him. He was an old man, with nothing to look forward to in politics. He was not greatly interested in the Whig party, or in any policy the purpose of which was to "keep it together." His aim was well set out in the preamble to the resolutions, which were declared to be "for the peace, concord, and harmony of these States, to settle and adjust amicably all existing questions of controversy between them arising out of the institution of slavery, upon a fair, equitable and just basis." The bargain offered seems to-day to be exceedingly fair, but it was not

thought to be so by the Southern senators, who were in the beginning of the debate the principal opposers of the plan. Jefferson Davis declared that there was no concession in the plan to the South, and demanded the extension of the Missouri Compromise line, the effect of which would have been to make the southern part of California slave territory. Even that did not satisfy him, for he demanded that the old Compromise be amended so as positively to establish slavery in all territory south of the line. It was in answer to Davis that Clay said: "Coming from a slave State as I do, I owe it to myself, I owe it to the truth, I owe it to the subject, to say that no earthly power could induce me to vote for a specific measure for the introduction of slavery where it had not before existed, either south or north of that line."

Clearly Davis, in demanding that Congress establish slavery, admitted that it had a right to legislate on the subject, and if it had that right, it had the right to exclude it. The question then would have been not as to the existence of a power but as to the way in which it should be exercised. What Davis meant was that governments should be set up in certain territory under which slavery should be established as a matter of right. To men of this way of thinking Douglas's plan to leave the matter indifferent, and to permit the people freely to choose between freedom and slavery, was quite as objection-

able as the programme forbidding slavery. For there was the chance that they might choose wrongly—from the Southern point of view. The great sensation of the debate was, of course, the speech of Webster, delivered on March 7. In it the speaker accepted cordially the plan proposed by Clay, declared that the Wilmot proviso (which he had always advocated) was not needed to keep slavery out of New Mexico, condemned the abolitionists, and professed an entire willingness to support an effective fugitive-slave law. Probably no man in our history was ever so bitterly denounced as Webster was because of this speech. He was charged with an utter abandonment of principles for which he had always stood, and with making a bid for the presidency. It is hardly probable that personal ambition influenced Webster in the slightest degree. For he must have known that his speech would be an affront to a very formidable sentiment in the North, as it proved to be. The people were expecting a bugle-blast for freedom, and they got an argument for compromise, and an argument that conceded much to the slavery men. But his friends rallied to his support, and it was soon realized that the most violent criticism came from the abolitionists, whom Webster himself had condemned. The *Springfield Republican* undoubtedly spoke for many people when it said: "We regard the speech as a whole as strictly Websterian—broad, patriotic,

and honest. We believe that it will have a good effect, not only upon the fiery South in soothing disunion agitation, but upon the North, in impressing upon it its constitutional obligations. We are among those, however, who wish it had been more than it is." Posterity has been kinder than his contemporaries to this great man. Viewing the situation through the clouds of civil war, all can now see that Webster's fears of war and disunion were enough and more than enough to explain any apparent surrender that he may have made. It is clear now that he was not unduly alarmed, not frightened by mere spectres. Nor was he, as were the younger men, such as Seward and Chase, willing to accept the alternative of war. His watchword had always been "liberty and Union, one and inseparable." Regarding dissolution of the Union and slavery as alike evils, he thought that the former was the more dreadful. George S. Merriam, the biographer of Samuel Bowles, whose hand no doubt penned the words quoted above from the *Springfield Republican*, very truly says: "Webster and his followers were far other than the mere apostates to freedom which they seemed to be to the men possessed by the passion of antislavery. Webster was identified with a sublime idea—the idea of American nationality. He wrought a supreme service in the earlier days, when in his duels with Calhoun he overmatched the acute logic which

claimed for each of the States an independent sovereignty, by maintaining with equal acumen an organic national unity, and evoking in its defense a grander and mightier sentiment. No American of the first half of this century did so much to root the love of the Union in the minds and hearts of the people as did Webster. It was that love, more than hostility to slavery, which animated the North in the war which established the Union and destroyed slavery. Webster failed to measure the evil of slavery, and the abolitionists failed no less to measure the evil of disunion. Each of them was devoted to one great idea; and the two ideas, which conflicted for a while, were destined to blend at last into a harmonious and irresistible force. The highest distinction of the radical antislavery men was that they gave disinterested service, in which they had nothing to gain and much to lose; while in the forces which opposed them patriotism had its allies in the ambition of politicians, the timidity of churches, and the selfishness of commerce." The parallel which Mr. Rhodes draws between Webster and Burke is a true one. Of the former he says: "Party passion has so affected opinions about Burke that it has remained for the present generation of Englishmen to measure fairly the worth of their greatest statesman. . . . It is quite certain that we shall not be less generous in the estimate of our great conservative. Until the closing years of our cen-

tury, a dispassionate judgment could not be made of Webster; but we see now that, in the war of the secession, his principles were mightier than those of Garrison. It was not 'No Union with slaveholders,' but it was 'Liberty and Union,' that won. Lincoln called the joint names his watchword, and it was not the liberty or abolitionist, but the Union party that conducted the war."

There were other speeches made in the debate that are of great historic importance. Those of Seward and Chase in particular reflected the moral sentiment that was developing. For the first time the men of the South were confronted by men from the North who were unwilling to compromise. Hitherto only the abolitionists and Free-Soilers had stood firmly on the moral ground. But Seward and Chase were Whigs in good standing, and in no sense abolitionists. Seward was quite as willing as Webster and Clay to let slavery alone in the States in which it existed, but he would not run the risk of extending it through compromise.

He declared himself opposed to all legislative compromises that were not absolutely necessary, and as in this case the only necessity for compromise was that growing out of the danger to the Union, and as Seward did not believe that there was any such danger, he could not admit the rightfulness of the proposed compromise. Clay and Webster undoubtedly had the clearer vision, and read the

situation more correctly. Seward was wrong in thinking that there was no real peril of disunion. If he had felt as Webster and Clay felt, he might have seen, as they did, that there was a necessity for compromise. Calhoun's scheme for preserving a permanent equilibrium between free and slave States, Seward declared to be impossible, since it would involve the control of a majority by a minority. No fugitive-slave law, he said, could be enforced, since it was opposed to the moral convictions of the North, and the one proposed deprived the fugitive of all the safeguards of liberty. If the constitutional provision for the return of slaves were carried out—and he thought that it should be—it would be necessary to soften the rigors of the law. "Has any government," he asked, "ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We reverence the Constitution, although we perceive this defect, just as we acknowledge the splendor and power of the sun, although its surface is tarnished with here and there an opaque spot. Your Constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime; but all mankind except you esteem that hospitality a virtue." The part of the speech that created the greatest sensation was that in which he dealt with the relation of the general government to the public domain. "The national

domain is ours," he said; "it was acquired by the valor and with the wealth of the whole nation. We hold, nevertheless, no arbitrary power over it. The Constitution regulates our stewardship; the Constitution devotes the domain to Union, to justice, to defense, and to liberty. But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part of the common heritage of mankind, bestowed upon them by the Creator. We are His stewards, and must so discharge our trust as to secure in the highest attainable degree their happiness. . . . I cannot consent to introduce slavery into any part of this continent, which is now exempt from what seems to me so great an evil, or to compromise the questions relating to slavery, as a condition of the admission of California." Seward was not the first man to appeal to "the higher law," though one would think so in reading the denunciations of the doctrine. The South had appealed to it when it appealed to the Bible and the law of God as authorities in support of slavery. Thornton Kirkland Lothrop, the biographer of Seward, quotes the following from a speech made by Jefferson Davis a few days before Seward spoke: "It is the Bible and the Constitution on which we rely, and we are not to be answered by the dicta of earthly wisdom or earthly arrogance when we have those high author-

ties to teach and to construe the decrees of God." But it was intolerable that there should be an appeal to "the higher law" in the name of freedom.

There was, after all, a higher law, not overriding the Constitution, but one in accordance with which it was to be construed, and with which it was later brought into alignment. The words rang through the nation. When everything else in the speech was forgotten, they were remembered. The speech was known as "the higher law" speech. But Seward did not ignore the great arguments of Clay and Webster that compromise was necessary to save the Union. He had of course heard the threats, but he was not impressed by them "because they are uttered under the influence of a controlling interest to be secured, a paramount object to be gained; and that is an equilibrium of power in the republic." "The question of dissolving the Union," he said, "is a complex question; it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation; or whether the Union shall be dissolved and Civil War ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. . . . I feel assured that slavery must give way" and that "emanci-

pation is inevitable." "All measures," he continued, "which fortify slavery, or extend it, tend to the consummation of violence; all that check its extension and abate its strength tend to its peaceful extirpation." He told the Southerners that they could not have "the surrender of fugitives from labor" "because you cannot roll back the tide of social progress." He concluded by saying that "there will be no disunion and no secession." Such language as this the South had not been accustomed to hear.

The speech made little impression in the Senate except on the slavery men, whom it infuriated. Webster sneered at it. Clay was indignant at the blow that it seemed to strike at his compromise, and in a letter to a friend spoke of it as "Seward's late abolition speech," which had "eradicated the respect of almost all men from him." The speech that weighed in the debate was Webster's, which, next to Clay's skilful management, did more than anything else to get the compromise through by winning support for it from the Northern Whigs. The choice, as the older men saw it, was, to quote Mr. Schurz, "between an impossibility on one side and a horror on the other." The younger men were prepared to make the choice, and for them the time for compromise had forever gone by. Douglas did not commit himself in advance to the Clay resolutions, but he did commend "the self-sacrificing

spirit which prompted the venerable senator from Kentucky to exhibit the matchless moral courage of standing undaunted between the two great hostile factions, and rebuking the violence and excesses of each, and pointing out their respective errors, in a spirit of kindness, moderation and firmness, which made them conscious that he was right." "The Union," Douglas said, "will not be put in peril; California will be admitted; governments for the Territories must be established; and thus the controversy will end, and I trust forever." Yet four years later Douglas himself reopened the controversy with his Kansas-Nebraska bill. . . .

## CHAPTER V

### THE GREAT COMPROMISE

ON April 18 the Senate adopted a resolution of Senator Foote of Mississippi, to refer the President's message and all resolutions concerning slavery, including Clay's, to a select committee of thirteen senators to be elected by the Senate. This committee was composed of Cass of Michigan, Dickinson of New York, Bright of Indiana, Webster of Massachusetts, Phelps of Vermont, Cooper of Pennsylvania, King of Alabama, Mason of Virginia, Downs of Louisiana, Mangum of North Carolina, Bell of Tennessee, and Berrien of Georgia. Clay was chairman, a sort of neutral between the factions. The Whigs, though in a minority in the Senate, had a majority of the committee. But the issue was not partisan, but sectional, and the sections were equally represented, there being six members from the slave States and six from the free States. The senators to whom this great piece of work was intrusted were moderate men, there being only two extremists, Phelps of Vermont on one side and Mason of Virginia on the other. There was trouble at the very beginning, due to the President's opposition to any compromise involving

California. The administration openly antagonized the programme. When the so-called "Omnibus Bill" was reported, of which something will be said later, the President said to a senator who announced his intention to oppose it: "Stand firm, don't yield; it means disunion, and I am pained to learn that we have disunion men to contend with." When faced with the threat of rebellion if the Wilmot proviso were passed, President Taylor told the men making it that he would sign any constitutional law passed by Congress, and that he himself would, if necessary, take the field to enforce laws of the nation, and that if the men who made the threat—Alexander H. Stephens and Robert Toombs, Southern Whigs—were taken in rebellion he would hang them as he had hanged spies and deserters in Mexico. Zachary Taylor, who had once said to his son-in-law, Jefferson Davis, that the South must stand firm against Northern encroachments, now looked on Davis and other Southern leaders as conspirators against the Union. He ordered the military governor of New Mexico to resist by force any movement of the Texas militia against him in the disputed territory, and said that he would, if necessary, take command. These were the words not of a fire-eater or radical but of a patriot, and one who was willing to go far on the path of compromise. But he clearly thought that there was a point beyond which it was impossible to yield without bring-

ing on the nation the very peril that it was sought by compromise to avert. He was not a man whom it was easy to frighten. Perhaps if there had been more of his spirit in Congress the history of the United States would have taken a different turn. As it was, the great Whig leader in the Senate and the sturdy Whig President were at odds concerning one of the most important measures ever brought before Congress. But in the midst of the struggle the President died, respected, honored, and lamented by all except the extreme proslavery men. It is possible that, had he lived, the compromise might have failed. Another event contributed to the success of the movement, and that was the mildness and comparative failure of the Nashville convention that, it may be remembered, had been called the year before. There was little interest in it, the Southern Whigs mostly opposing it.

It might have been thought that the proof afforded by the convention that there was considerable Union sentiment in the South would have deprived Clay and his followers of the argument that compromise was necessary to save the Union. But it seems rather to have discredited the extreme Southerners, and thus to have weakened Southern opposition to the compromise. There can be no doubt that Clay's attitude and the speech of Webster made a powerful appeal to Southern Whigs, most of whom were opposed to dissolution of the Union,

and some of whom no doubt hoped for another party victory. The growing approval of Webster's speech in the North and the evident fear of what we should now call "Big Business" lest commercial interests suffer and trade be lost played their part in bringing about a better feeling. The new President, Millard Fillmore, was a man of mild disposition. Clay and Webster both believed that he would favor the compromise, and events proved that they were right. The President appointed Webster Secretary of State, in which place he was of great service, being able to array the whole power of the administration on the side of the compromise measures. Four of the members of the new cabinet came from slaveholding States, but they were men of moderate views. The President himself was a man in whom the political instinct was strongly developed. Indeed, he had told President Taylor that, if the vote in the Senate should be a tie, he would, as presiding officer, vote for the Clay programme. Thus the way was paved for success, though it was not achieved till after a bitter struggle. That there was on the part of the Senate a hope and desire for success is proved by its refusal to place extreme men on the committee.

Douglas, though not a member of the committee of thirteen, played an important part in getting the legislation through. Before the special committee was agreed on, namely, on March 25, he, as

chairman of the committee on Territories, had reported two bills, one providing for the admission of California and the other "to establish the territorial governments of Utah and New Mexico, and for other purposes." These, with the various resolutions, went, of course, to the committee of thirteen. Douglas was chiefly interested in the admission of California. The territorial bill, which left the question of slavery open, was designed to placate the South, and to get votes for the California bill, which, he was assured, would be strongly opposed unless Congress would pledge itself to leave the people of the two Territories to frame Constitutions with or without slavery as they might choose. Mr. Clay, on the day before his committee reported, told Douglas that the report would recommend the union of his two bills. Douglas suggested that Clay himself unite them, and present them as part of the report of the committee, but the Kentucky senator did not think this would be fair to Douglas. Sheahan tells the story thus: "Mr. Douglas then said: 'I respectfully ask you, Mr. Clay, what right have you, to whom the country looks for so much, and as an eminent statesman having charge of a great measure for the pacification of a distracted country, to sacrifice to any extent the chances of success on a mere punctilio as to whom the credit may belong of having first written the bills? I, sir, waive all claim and personal consideration in

this matter, and insist that the committee shall pursue that course which they may deem best calculated to accomplish the great end we all have in view, without regard to any interest merely personal to me.' Mr. Clay (extending his hand to Mr. Douglas): 'You are the most generous man living. I will unite the bills and report them; but justice shall nevertheless be done to you as the real author of the measures.' The next morning Mr. Clay presented his report, and also reported the bill subsequently known as the Omnibus Bill, being a bill consisting of Mr. Douglas's two bills attached together by a wafer. . . . True to his promise, Mr. Clay subsequently bore honorable testimony to the ability, fairness and patriotism of Mr. Douglas throughout that long and memorable session." The next day, May 8, 1850, the Clay committee made its report. The Douglas bills for the admission of California and the territorial organization of New Mexico and Utah, without any prohibition of slavery, were recommended for passage as one measure. The committee advised that the admission of any new States that might be formed out of Texas be postponed till such time as they should ask to be received into the Union, when it should be the duty of Congress to admit them. A western and northern boundary was fixed for Texas, excluding the whole of New Mexico, Texas to have a money equivalent. A more effective fugitive-

slave law was recommended, and the abolition of the slave-trade, though not of slavery, in the District of Columbia was advised.

There was no minority report, though five members, including the two radicals, one on each side, dissented from some of the views expressed in the report. The administration was strongly opposed to Clay's "comprehensive plan of adjustment." It was by President Taylor that the combination of Douglas's measures had been dubbed "The Omnibus Bill." But General Taylor died on July 9, in the midst of the struggle. His death not only removed an obstacle but insured to the compromise a friend in the White House and in the office of Secretary of State, and greatly weakened Seward's influence in the Senate. There was one very important change made in Douglas's territorial bill. He had left the territorial legislatures free to vote on slavery as they chose. In the bill as reported the legislatures were forbidden to legislate at all on slavery. This was, of course, a sort of Wilmot proviso, since under the bill the people could not have established slavery. Also it was in violation of the Douglas theory of squatter or popular sovereignty. There were many amendments offered, including the Wilmot proviso, Douglas voting for the latter every time it was proposed, in obedience to instructions—or what were conceived by him to be such—from his constituents. The Utah bill

was amended so as to permit the people to adopt a slave or a free Constitution as to them seemed best. This amendment was carried by a vote of 38 to 12, Douglas, of course, voting for it, as did Clay, Webster, Benton, and Cass. The principle was in entire accord with Douglas's views. In his discussion of the subject he expressed his great surprise that it had ever been questioned, and then went on to explain his votes for the Wilmot proviso, and though his words merely reaffirm his youthful opinion, they are not without interest: "I have always held that the people have a right to settle these questions as they choose, not only when they come into the Union as a State, but that they should be permitted to do so while a Territory. If I have ever recorded a vote contrary to that principle, even as applicable to Territories, it was done under the influence of the pressure of an authority higher than my own will. Each and every vote that I have given contrary to that principle is the vote of those who sent me here, and not my own. I have faithfully obeyed my instructions, in letter and spirit, to the fullest extent. They were confined to the prohibition of slavery in the Territories while they remained Territories, and leaving the people to do as they please when they shall be admitted into the Union as States. The vote which I am now about to give is entirely consistent with those instructions. I repeat that, according to my view

of the subject, all these vexed questions ought to be left to the people of the States and Territories interested, and that any vote which I have given, or may give, inconsistent with this principle, will be the vote of those who gave the instructions, and not my own." Mr. Douglas had, however, more than once moved to extend the Missouri Compromise line straight through to the Pacific coast. Had that been done slavery would have been excluded from all territory lying north of it, and the people living in that territory would have been deprived of the right "to settle these questions as they choose." The people south of the line could have had slavery or not as they pleased; those north of it would have been forced to accept a status fixed by Congress. Yet this policy was favored by Douglas.

Nothing would be gained by attempting to follow this legislation through its many vicissitudes. There were many amendments offered, some of which were adopted only to be rejected on subsequent votes. What is important is the attitude of Douglas toward the more vital of them. Generally he will be found to have voted with Webster and Clay. Partisan politics hardly figured at all; the divisions were mostly sectional. Jefferson Davis offered an amendment to the Omnibus Bill—that is, the bill made up of the two Douglas bills, one admitting California and the other organizing Utah and New Mexico—forbidding the people of the Territories

to legislate at all concerning slavery, and providing that nothing in the act should prevent the territorial legislatures from passing "such laws as may be necessary for the protection of rights of property of any kind which may have been, or may hereafter be, lawfully introduced into said territory." The amendment was rejected. Davis admitted the right of the Territories to legislate on slavery or anything else, but only after they had been organized as a political body. "The difference," he said, "between the senator from Illinois and myself is the point at which the people do possess and may assert this right. It is not the inhabitants of the Territory, but the people as a political body—the people organized—who have the right, and on becoming a State by the authority of the United States, exercising sovereignty over the territory, they may establish a fundamental law for all time to come." This meant, of course, that the people could not exclude slavery till they had a government, and that they could not have a government except on the condition of tolerating at least the possibility of slavery.

In reply Douglas said: "I have a word to say to the honorable senator from Mississippi [Mr. Davis]. He insists that I am not in favor of protecting property, and that his amendment is offered for the purpose of protecting property under the Constitution. Now, sir, I ask you what authority he has for

assuming that? Do I not desire to protect property because I wish these people to pass such laws as they deem proper respecting their rights in property without any exception? He might just as well say that I am opposed to protecting property in merchandise, in steamboats, in cattle, in real estate, as to say that I am opposed to protecting property of any other description; for I desire to put them all on an equality, and allow the people to make their own laws in respect to the whole of them. But the difference is this: he desires an amendment which he thinks will recognize the institution of slavery in the Territories as now existing in this country. I do not believe it exists there by law. I believe it is prohibited there by law at this time, and the effect, if not the object, of his amendment would be to introduce slavery into a country from which I think a large majority of this Senate are of opinion it is now excluded, and he calls upon us to vote to introduce it there. The senator from Kentucky, who brought forward this Compromise, tells us that he can never give a vote by which he will introduce slavery where it does not exist. Other senators have declared the same thing to an extent which authorizes us to assume that the majority of this Senate will never extend slavery by law into territory now free. What, then, must be the effect of the adoption of the provision offered by the senator from Mississippi? It would be the insertion of a

provision that must infallibly defeat the bill, deprive the people of the Territories of government, leave them in a state of anarchy, and keep up excitement and agitation in this country. I do not say, nor would I intimate, that such is the object of the senator from Mississippi. I know that he has another and a different object—an object which he avows. That object is to extend the institution of slavery to this territory; or rather, as he believes it to be already carried there by law, to continue its legal existence. . . . I do not believe, sir, that the Senate can agree upon any principle by which a bill can pass giving governments to the Territories in which the word 'slavery' is mentioned. If you prohibit—if you establish—if you recognize—if you control—if you touch the question of slavery, your bill cannot, in my opinion, pass this body. But the bill that you can pass is the one that is open upon these questions, that says nothing upon the subject, but leaves the people to do just as they please, and to shape their institutions according to what they may conceive to be their interests both for the present and the future." Obviously the question was not one of the protection of property but of the government that should protect. Davis demanded that Congress should do it, while Douglas would have left the protection in the hands of the people. There was also the question as to what was and what was not property.

Davis feared that the people of the new Territories would not recognize slaves as property, while Douglas was sure that they would not. He was quite right in saying that the object of Davis was to "extend the institution of slavery." The words quoted give a very fair idea of the position of the Illinois senator at the time. Clay finally joined with Douglas in eliminating the clause forbidding legislation on slavery, thus restoring the bill to its original form.

It was found, as Douglas predicted, to be impossible to pass the Omnibus Bill. All that related to California was stricken out by a vote 34 to 25, and the same fate overtook the provisions in regard to Texas and New Mexico. Thus there was nothing left of the famous Omnibus Bill but Utah, the people of that Territory being left free to legislate as they chose on slavery.

The Senate at once proceeded to consider the various bills separately, and passed them all by substantial, and sometimes large, majorities. The Texas boundary bill was passed August 9, the California bill August 13, and the bill organizing New Mexico on August 15. The house promptly ratified the action of the Senate. On September 16 the Senate passed the bill abolishing the slave-trade—though not slavery—in the District of Columbia, having previously passed the fugitive-slave bill without a division, in a form much more unfavorable

to the negro than had been originally proposed, since it deprived fugitives of the right of trial by jury. After the defeat of the Omnibus Bill, Clay assumed that the whole Compromise was lost. Moved by sorrow, disappointment, anger, and exalted patriotism, he, on the day following his reverse, said: "I stand here in my place, meaning to be unawed by any threats, whether they come from individuals or States. I should deplore, as much as any man living or dead, that arms should be raised against the authority of the Union, either by individuals or States. But if, after all that has occurred, any one State, or the people of any State, choose to place themselves in military array against the government of the Union, I am for trying the strength of the government. Nor am I to be alarmed or dissuaded from any such course by intimations of the spilling of blood. If blood is to be spilt by whose fault is it to be spilt? Upon the supposition I maintain, it will be the fault of those who raise the standard of disunion and endeavor to prostrate this government; and, sir, when that is done, so long as it please God to give me a voice to express my sentiments, or an arm, weak and enfeebled as it may be by age, that voice and that arm will be on the side of my country, for the support of the general authority, and for the maintenance of the power of this Union. . . . The honorable senator speaks of Virginia being my country. This Union

is my country; the thirty States are my country; Kentucky is my country, and Virginia, no more than any other of the States of this Union. She has created on my part obligations and feelings and duties toward her in my private character which nothing upon earth would induce me to forfeit or violate. But even if it were my own State—if my own State lawlessly, contrary to her duty, should raise the standard of disunion against the residue of the Union—I should go against her; I would go against Kentucky in that contingency, much as I love her.” The long struggle had greatly overtaxed his strength, and he must have felt that all the concessions—some of them amounting to sacrifices—had been in vain. Broken and disheartened he abandoned the task, and went away to rest. When he returned he found that his whole compromise had been put through in substantially its original form. Douglas had a great part in it, and voted for every bill except the fugitive-slave bill. He explained his failure to do this by saying—what was the truth—that he was unavoidably absent. There could be no suspicion of dodging in his case. As to the Compromise, it must be said that it was unsatisfactory to the extremists on both sides, which is usually the case with all compromises. Jefferson Davis said: “While gentlemen are dividing the honors that result from the passage of these bills, either in a joint or separate form, I have only to

say that, so far as I am concerned, they are welcome to the whole. I do not represent that public opinion which required the passage of them, either jointly or separately. If any man has a right to be proud of the success of these measures, it is the senator from Illinois [Mr. Douglas]. They were brought before the Senate by the committee, which it is claimed has done so much for the honor of the Senate and the peace of the country, merely stuck together—the work of other men, save and except the little bill to suppress the slave-trade in the District of Columbia. I merely wish to say that, so far as the public opinion of the community which I represent has been shadowed forth in public meetings and in the public press, it has been wholly adverse to the great body of these measures. I voted for one—that which the senator from Virginia originated, and which was modified in the Senate till I thought, as far as we could make it so, it became efficient for the protection of our rights. That was the only one which met my approval." Indeed, the Compromise was no triumph for the South, for what it specially objected to was the bill admitting California as a free State. That was, of course, a direct blow at slavery. As for slavery in the Territories acquired from Mexico, the contention of Clay, Webster, and Douglas was that it did not exist there, being forbidden by the Mexican law. These men further believed that it never could exist there.

This, it has been seen, was the opinion of Webster, Clay, and Douglas. It was because he believed thus that Webster gave up the Wilmot proviso. What the South wanted was additional slave territory to counterbalance a free California. It was very doubtful whether this could be had. The right of the people of New Mexico to exclude or permit slavery was left for the Supreme Court to determine. Even the fugitive-slave law was not new, for there had been such a law since 1793. What the South got was a considerable strengthening of that ancient statute.

Yet the North was by no means pleased, and was certainly conscious of no victory. The fugitive-slave law provoked an angry outburst. The principle underlying it was odious to a steadily growing number of people. The statute itself was very severe in its terms. Under it the negro claimed as a fugitive slave could not testify in his own behalf. There was, as has been said, no provision for a jury trial. All good citizens were commanded to co-operate in enforcing the law, and the harboring of fugitives was made a crime. There was a recognition of the Southern claim that slaves were property, a claim that was in contravention of the law of every Northern State. It was felt too that Congress had acted on the theory that it had no power to exclude slavery from the Territories, for it was felt that if it had the power, and agreed that it had, it would have

exercised it. Mr. Douglas indeed said in his speech in Chicago, a few weeks later, which he made in defense of his action, that there was no triumph for any section or faction. "The South," he said, "has not triumphed over the North, nor has the North achieved a victory over the South. Neither party has made any humiliating concessions to the other. Each has preserved its honor, while neither has surrendered an important right, or sacrificed any substantial interest. The measures composing the scheme of adjustment are believed to be in harmony with the principles of justice and the Constitution." That, of course, was the view of the leaders of the movement, who were one and all satisfied with their work. Clay's thought was that the compromise was "rather a triumph for the Union, for harmony and concord." "No man and no party," said Douglas, "has acquired a triumph, except the party friendly to the Union."

Webster experienced a great sense of relief. "My part is acted," he said, "and I am satisfied. It is a day of rejoicing here such as I never witnessed. The face of everything is changed. You would suppose nobody had ever thought of disunion. All say they always meant to stand by the Union to the last." Perhaps they did; perhaps men of Webster's way of thinking were unnecessarily alarmed. No doubt the great Massachusetts senator felt that he had been vindicated, since the settlement was

on the lines of his 7th of March speech. The country as a whole accepted the Compromise in good spirit, almost, it may be said, with enthusiasm. The principal dissatisfaction was in the South, though even in that section there was something more than acquiescence. Even a truce under conditions such as then existed was very well worth while. Nothing else could have been gained—as is now clear enough—since no compromise was possible that did not involve an ignoring or a slurring over of the moral issue, and there never can be any permanent settlement on that basis. Even the fugitive-slave law, and it was peculiarly odious, was at first accepted by the North, though there were many protests. But the attempts that soon followed to enforce the law roused the people as nothing else had done, and gave the abolitionists their chance—and nobly did they use it. There can be no question of the sincerity of the men who engineered the Compromise. Had the South been less insistent in its demand for the fugitive-slave law—and there were men in the South who both thought and said that it was not necessary—and the North less yielding it is possible that, with that odious feature eliminated, the Compromise might have survived as long as the Missouri Compromise had done. It was not till the federal government commanded Northern men to become man-catchers that their consciences were roused against slavery.

Douglas himself was forced to defend before his own constituents the fugitive-slave law. When, shortly after the adjournment of Congress, he returned to Chicago, then the city of his residence, he was received not as a conqueror but as a traitor. The people were greatly excited over the fugitive-slave law, and violent in their denunciations of those who had supported it. The city council had adopted resolutions characterizing the act as in violation of the Constitution and of the law of God. Here was an appeal to Seward's "higher law," the first of many that were to be made. In the resolutions those who had supported the bill, as well as those "who basely sneaked away from their seats and thereby evaded the question," were denounced as "fit only to be ranked with Benedict Arnold and Judas Iscariot." Here was a double drive at Douglas, who was known to be in favor of the measure, but who had not been present when the vote was taken. But that he did not "sneak away" he had no difficulty in showing. Dodging, he truly said, was never a part of his political tactics. Nor did he dodge now. On the contrary, he attended a mass-meeting that had been called to indorse the action of the council, took his seat on the platform, and informed the audience that he would on the next night defend the whole Compromise, including the fugitive-slave law. This appeal for fair play did not go unheeded, and the meeting adjourned

without taking action in order to give Douglas a chance to present his side of the case and to make his defense. The audience, it should be said, was distinctly and almost vehemently hostile. But it was willing to hear the other side, and was juster to Douglas than the law that he was to defend was to the fugitives from slavery.

In his speech the following night he dealt with his audience fairly and frankly, shirking no point that was raised, and answering all questions that were asked. The main objections to the statute were that it denied to the fugitive the right of trial by jury and the privilege of habeas corpus. Douglas replied that the law was in these respects precisely like the old statute enacted in 1793, and that both were silent on these subjects. He urged further that trial by jury and habeas corpus were guaranteed by the Constitution, and that therefore no one could be deprived of them. He pointed out that whatever trial was necessary was provided for, and would and should be held in the State from which the fugitive fled, and that the only function of the Northern magistrate was to determine the identity of the fugitive. Of course, every one must have known that a trial in the State from which the man or woman was supposed to have fled would have been the merest farce, for in the South the black man was not a man, but a chattel. But the argument of Douglas was plausible, and was most

shrewdly put. He called attention to the fact that the Constitution provided for the return of fugitive slaves, and asked his hearers whether they were prepared to stand by, and uphold, the Constitution. In such a hearing as that provided for, the evidence —having to do only with the identity of the prisoner—was necessarily *ex parte*. When he was asked whether one section of the bill that forbade “all molestation of said person or persons by any process issued by any court, judge, magistrate, or other person whomsoever,” a writ of habeas corpus being a “process,” did not amount to a denial of the writ, Douglas answered that while the writ might not be issued for the purpose of “molestation,” it might be granted for the purpose of determining whether the claimant of the fugitive had the certificate required to be issued, whether it was in due form of law. “Upon the return of the writ of habeas corpus,” said Douglas, “the claimant will be required to exhibit to the court his authority for conveying the servant back; and if he produces a ‘certificate’ from the commissioner or judge in due form of law, the court will decide that it has no power to ‘molest the claimant’ in the exercise of his rights under the law and the Constitution. But if the claimant is not able to produce such certificate, or other lawful authority, or produces one which is not in conformity with the law, the court will set the alleged servant at liberty, for the

very reason that the law has not been complied with. The sole object of the writ of habeas corpus is to ascertain by what authority a person is held in custody; to release him if no such authority be shown; and to refrain from any molestation of the claimant if legal authority be produced." Yet no judge could issue such a writ and enforce it without being guilty of "molestation," while the limitation of the power of the court granting the writ would have made it of little or no value. As to trial by jury, Douglas said that this was not and could not be denied, but that it must be had in the State from which the fugitive was supposed to have come. The rest of the speech was devoted to answering questions practically none of which went to the real issues. The weakness of the argument was largely in what was not said. The law was retroactive, and under it men and women who had lived for years in a Northern State might be seized and carried away from their homes back into slavery.

The process was summary. United States commissioners were clothed with the largest powers over colored men and women seeking freedom, and even over those who might have enjoyed it for years. The defendant was not permitted to testify in his own behalf. All good citizens were commanded to aid in the prompt execution of the law, including the capture of fugitives. United States marshals who permitted recaptured fugitives to escape from

their custody were liable for the full value of the slave, while those who harbored or concealed fugitives were punishable by fine and imprisonment. The law was, in short, odious. Its only effect was to bring the evil of slavery close home to the hearts of the Northern people, who refused to be enlisted against their will in the great army of man-catchers.

The speech is important as being perhaps the best defense of the fugitive-slave law that was ever made, and also a demonstration of the power of Douglas. It must be said further that he divined the real nature of the opposition to the statute. And the remarkable thing is that he was able to overcome objection based on this ground. "The real objection," he said, "is not to the new law, nor to the old one, but to the Constitution itself. Those of you who hold these opinions do not mean that the fugitive from labor shall be taken back. That is the real point of your objection. You would not care a farthing about the new law or the old law, or any other law, or what provisions it contained, if there was a hole in it big enough for the fugitive to slip through and escape. Habeas corpus—trials by jury—records from other States—pains and penalties—the whole catalogue of objections would be all moonshine, if the negro was not required to go back to his master. Tell me frankly, is not this the true character of your objection?" Many admitted that it was, whereupon

Douglas cited the constitutional provision, and declared that it was the duty of all men to uphold the Constitution. Then he offered a set of resolutions embodying his views, and they were adopted without a dissenting voice, as was a resolution repudiating the action of the council. The next night the council met, and, by a vote of 12 to 1, rescinded its resolutions condemning Douglas and others and declaring that it would "not require the city police to render any assistance for the arrest of fugitive slaves." It was a great victory for Douglas, and the result was still further to strengthen his hold on the people. The issue, however, would have been extremely doubtful if the council had had a champion on that eventful night—say Lincoln or Seward. For after all but one side of the question was heard. Even the questions asked from the floor Douglas was able to turn very shrewdly to his own account, and it was impossible—as it always is in such cases—for the questioner to advance any argument in support of his position. Nevertheless, it was a great triumph for Douglas, for he won a verdict from a hostile audience, and in a community that had been greatly outraged. Before the lines were drawn on a political question, Douglas would compromise to the limit, and refrain from forcing the issue; but when the issue was presented he invariably met it directly and courageously. He defended the fugitive-slave law precisely as he

had, almost twenty years before, defended the bank policy of Jackson and Van Buren when no one in Illinois supposed that there was anything to be said for it. So the great Compromise came into being. Up to this time it cannot be said—and this is an important thing to remember—that Douglas had shown any special consideration to the South, or to slavery. His position was identical with that taken by Webster and Clay and other Whigs. Indeed, the sneer of Jefferson Davis directed at Douglas as the man entitled to the chief credit for legislation which in no way, as Davis said, benefited the South, may perhaps be taken as the opening of the rift that was later to split the Democratic party, and to make impossible the realization of the ambition of Douglas to be President. The time was soon to come when he would be forced to choose between the South and the nation. Meanwhile, the manœuvring went on. But the slavery question would not down, though Douglas held that the Compromise was a final settlement, and declared that he would never speak again in Congress on the slavery question.

## CHAPTER VI

### COMPROMISE AND FUGITIVE SLAVES

BUT the Congress that enacted the compromise legislation did not wholly neglect other matters. It is a pleasure to turn from the efforts to maintain the Union by political action to the effort to bind the people—rather than the States—together by the construction of a great North and South railroad from Chicago to the Gulf. For several years Douglas had been greatly interested in the construction of what was later known as the Illinois Central Railroad.<sup>1</sup> As a member of the Senate he had introduced a bill authorizing a grant of public lands to the State of Illinois to aid in the building of the road. The bill was passed in the Senate, only to meet with defeat in the House. There were, of course, constitutional objections, and these, with the jealousy of the States without public lands, and the opposition of the old States to the new, were sufficient to prevent the passage of the bill. Douglas realized that he would have to give the scheme a truly national aspect if he hoped to succeed. He realized that Illinois was almost as sectional as the Union itself was, a truth that was impressed on him when he removed to Chicago in 1847.

What he first sought, therefore, was unity in his own State, and a development of real State consciousness. Those of us to-day who realize what a great part the railroads have played in eliminating the perils of sectionalism must credit Douglas with a large vision. Indeed, the national sense was strong in him. The believer in squatter sovereignty believed in the nation too, and in the national idea. He certainly had a broader vision than many New Englanders who were filled with apprehension at every extension of the national boundaries.

But Douglas needed votes, and he went about getting them in a very practical way. He looked to the East and the South for them, not of course neglecting other sections of the country. He offered to the officials of the Mobile Road to include in his bill a grant of lands to their road as part of the system of the Illinois Central in return for the votes of the senators and representatives of Alabama and Mississippi. When Douglas presented his Illinois Central bill in the Senate, Senator King of Alabama offered an amendment—said to have been prepared by Douglas—providing for similar land grants to his State for the purpose of continuing the Illinois Central to Mobile, an amendment which was adopted without division. There were hints of tariff concessions to win Eastern support, but Douglas is authority for the statement that what won the support of New England, New York, and

Pennsylvania was the promise of Eastern connections with the North and South line. The amended bill easily passed the Senate, and was agreed to by the house on the day of the passage of the last of the compromise measures. There was undoubtedly a bargain, but it was for a great object. There was "nothing in it" for Douglas except increased popularity, but there was much in it for the nation. "Nationality," said Douglas, "had been imparted to the project." The thought was not simply of the exchange of commodities as between the two sections, and building up trade between the North and South, but of bringing the people themselves closer together, and of making it possible for them to intermingle. "As it is to connect the North and South so thoroughly," said Senator Shields, Douglas's colleague, "it may serve to get rid of even the Wilmot proviso, and tie us together so effectually that the idea of separation will be impossible."

If the road has not realized the anticipations that its projectors had of it as a sort of melting-pot, it, nevertheless, has played an important part in the life of the nation. The fact that Douglas and the others entertained such an idea is of itself proof that they were animated by no sordid motive. A North and South trade was quickly built up, and the road was of great service to the Union during the Civil War. But it did not make "the idea of separation impossible." And before many years

the Wilmot proviso, in the form of the Emancipation Proclamation, was applied to the whole nation. The reply of Douglas to Webster is not all buncombe or bombast: "There is a power in this nation greater than either the North or the South—a growing, increasing, swelling power, that will be able to speak the law to this nation, and to execute the law as spoken. That power is the country known as the Great West—the Valley of the Mississippi, one and indivisible from the Gulf to the Great Lakes; and stretching on the one side and the other, to the extreme sources of the Ohio and Missouri—from the Alleghanies to the Rocky Mountains. There, sir, is the hope of this nation—the resting-place of the power that is not only to control, but to save the Union. We furnish the water that makes the Mississippi, and we intend to follow, navigate and use it until it loses itself in the briny ocean. So with the St. Lawrence. We intend to keep open and enjoy both these great outlets to the ocean, and all between them we intend to take under our special protection, and keep and preserve as one free, happy and united people. This is the mission of the great Mississippi Valley, the heart and soul of the nation and the Continent." It reads much like the meditations of those of our day who have just discovered the Middle West.

Douglas, says Mr. Rhodes, "was a great friend to the material development of the West, and espe-

cially of his own State, having broad views of the future growth of his section of the country." That, of course, is true, but his feeling in regard to the West was not sectional, but national. What he saw, at a time when it was sparsely settled, or not settled at all, was its destiny. Its value to the nation, and its influence on its life—these were the things that interested him. Back of his "Manifest Destiny" doctrine, even in its most jingoistic and foolish form, was a realization of the power of the nation. Perhaps it was because of this feeling—that is that the West was, or would be, truly national—that he was convinced that slavery could find no lodgment in its territory. It seems strange to us to-day, who have seen the West control a presidential election, that other men should have been so blind to the future, or that it should be thought remarkable that Douglas should have been so true a prophet. Yet short-sightedness is the commonest of human failings, and the inability of one section of as vast a country as this to understand other sections has by no means disappeared. From the day that he first set foot on the soil of Illinois Douglas seems never to have been unattended by the vision of the future greatness of the West. Probably the facts have not gone beyond his dream. He was no romanticist or visionary, and certainly he was quite without imagination in the poetic sense of the word. But he was clear-sighted and impres-

sionable, which is more than can be said for some of his contemporaries, even those who were far greater than he. So though there may have been a deal in connection with his railroad bill, there was much more.

Douglas always showed a keen interest in the people residing in the unorganized Territories. Even his vehemence in the assertion of our supposed claims in Oregon was in part the result of his feeling that the people should have some form of government, and the protection of the law. Others thought that they might be left to themselves, and to get along as best they could. There were some who even felt that Oregon was not part of the Union—or at least that it ought not to be. It was suggested that the people should be protected only till they were prepared to form a republic of their own. The men of those days were great believers in what they spoke of as the laws of nature. By those laws it was said by Webster, and Douglas also, that slavery would be excluded from the territory acquired from Mexico. Others argued that there were "natural" barriers beyond which we could not go without jeopardizing the Union. Oregon lay beyond those barriers, and hence the suggestion that it should form its own government without any relations, but those of friendship, with Washington. This, to Douglas, was nothing more nor less than disunion. He argued that the logic of this argument would lead inevitably

to the establishment of many republics. But at that time most of the country west of the Mississippi was known as the Great American Desert, and Oregon was farther away from Boston and New York than the centre of China is now. But it was not so far from Illinois, and Douglas himself had been a pioneer. He knew something of the hardships endured by the emigrants, and of the perils by which they were surrounded. Indeed, he recognized no barriers to American expansion on this continent. "I would," he said, "blot out the lines on the map which now mark our national boundaries on this continent, and make the area of liberty as broad as the continent itself."

Later, as we shall see, he argued strongly for the elimination of British influence in Central America, opposed the Clayton-Bulwer treaty, and demanded its denunciation. Here, of course, a question of foreign policy was involved, but the attitude of Douglas was the same as that assumed by him in the case of Oregon. As he desired no joint occupation in the latter case, he was opposed to any partnership with Great Britain in the former. Indeed, but for its rather flamboyant oratory, the speech does not read unlike those delivered a few years ago in connection with the same treaty, and with our right to fortify the canal. He no doubt foresaw that the treaty subjected this government to limitations from which it would one day desire to be

free, as has proved to be the case. He was for breaking through them even at the cost of war. But in the back of his mind was the feeling that this continent ought to be all-American. He was right about Texas, but wrong in defending the methods by which it was won; right about Oregon, though wrong in insisting on the 54-40 boundary, again at the cost of war. What he did not see was that this Northern Hemisphere might be in a very real sense American without the assertion of American political supremacy over Canada. Not even the detractors of Douglas can deny that he was broadly and aggressively national and American, and was never afraid of an expansion which all can now see was as desirable as it was inevitable. Nor did he believe that there was anything national in slavery, or ever could be.

It was during the session of Congress that passed the compromise bills, namely April 22, 1850, that President Taylor transmitted to the Senate the treaty agreed on between his Secretary of State, John M. Clayton, and the British Minister, Sir Henry Lytton Bulwer. It was before the Senate for just one month, and was the subject of a debate that was no doubt very interesting. But as the session was executive, there is no record of the speeches. On May 22 it was ratified by a vote of 42 to 11. The eleven who voted against it were Atchison of Missouri, Borland of Arkansas, Bright

of Indiana, Clemens of Alabama, Davis of Mississippi, Dickinson of New York, Douglas of Illinois, Turney of Tennessee, Walker of Wisconsin, Whitcomb of Indiana, and Yulee of Florida. Among those voting for ratification were Bell of Tennessee, Berrien of Georgia, Cass of Michigan, Chase of Ohio, Clay of Kentucky, Corwin of Ohio, Foote of Mississippi, Hale of New Hampshire, King of Alabama, Mangum of North Carolina, Seward of New York, Shields of Illinois, and Webster of Massachusetts. There was no sectional or party division. It is evident that the weight of the Senate, and not merely numerical strength, was for ratification. Douglas enrolled himself with a comparatively insignificant minority. He had declined to serve on the committee on foreign relations because he disapproved of the policy of the majority. Later he made the ground of his opposition sufficiently plain, when the issue was raised in another way—in such a way, as he thought, as to free him from any obligation to observe secrecy. Within little more than a month after the ratification of the treaty President Taylor died, and was succeeded by Millard Fillmore, Daniel Webster becoming Secretary of State in place of Mr. Clayton.

Congress reassembled in December, 1850, and listened to a message from President Fillmore warmly commending the compromise legislation. The measures, he said, "were adopted in a spirit of conciliation and for the purpose of conciliation.

I believe that a great majority of our fellow-citizens sympathize in that spirit and purpose, and in the main approve, and are prepared, in all respects, to sustain, these enactments." The Southern members were not slow in making known their point of view. Ten Northern and thirty-four Southern members signed a pledge binding them to withhold support for any office from any man "who is not known to be opposed to the disturbance of this settlement, and to the renewal, in any form, of agitation upon the subject of slavery." The Northern Democrats and the Northern Whigs for the most part accepted the settlement. Even the Seward Whigs agreed that the measures were the law, and that even the fugitive-slave law should be obeyed, though they demanded its repeal. For a time it looked as though peace had settled down over the land. But it was only a truce, as will soon be seen. The trouble arose over attempts, successful and other, to enforce the fugitive-slave law. As the enforcement of that law was held by the South to be essential to the success of the Compromise, and as the North was soon in revolt against the law, the bitter feeling between the two sections was greatly intensified. Even those who favored the Compromise—that is those in the North—soon came to feel that what had been proclaimed as such a triumph of statesmanship might be found to be of little or no value as a factor in preserving the unity of the nation.

But the peace did not long endure. Indeed, there

was an apparent nervousness back of all declarations that the settlement was permanent, such as that signed by those who pledged themselves to oppose for any office any man who should reopen the vexed question. Very early in the session Clay spoke with great emphasis of the peace and quiet that prevailed throughout the country, and expressed the belief that the session would be undisturbed by discussions of slavery. The *Whig Almanac* for 1851 announced "as yet all seems quiet in the capitol, and there is a prospect of a quiet and useful session. May that hope be realized!" But all such pious hopes were disappointed. For early in the session Joshua R. Giddings in the House of Representatives denounced certain action that had recently been taken under the fugitive-slave law, while Clay in the Senate opened up the whole question by presenting petitions calling for a more effectual suppression of the slave-trade, and introduced a resolution demanding legislation forbidding the use of American vessels in that trade. This action of the chief of the compromisers was all the more remarkable in view of the fact that he had only a few days before signed the declaration above referred to, and had expressed the hope and belief that there would be no discussion of the subject. Did he, deep down in his heart, believe that there had been any real settlement? But the storm broke when news came of the rescue of the negro Shad-

rach, who had in Boston been taken and held as a fugitive slave. There had been trouble even before this. Two negroes, known to be fugitives, had been taken from Boston to England—where, of course, they at once became free. A Virginia slaveholder had only with the greatest difficulty and at much expense succeeded in securing the return of one of his negroes from Pennsylvania. In Detroit it was necessary to call out the troops in order to quell a mob bent on the rescue of a fugitive. Although there were said to be 15,000 fugitives in the free States only four or five had been reclaimed under the law.

But the rescue of Shadrach created as much excitement as a declaration of war on the United States would have done. Indeed, the act was construed as an act of war—war on the law, the Constitution, and the authority of Congress. The President issued a proclamation calling on all good citizens to observe the law, and on all officers, civil or military, to quell all unlawful conspiracies, and to aid in the arrest of all who should violate the law. Five men were indicted, but as it was impossible to get a jury to convict them, they were freed. Yet Boston was by no means radical on the slavery issue. Indeed the people of Boston had, almost twenty years before, mobbed William Lloyd Garrison. They had, too, as a whole stood by Webster after his 7th of March speech. They showed their comparatively

moderate temper a few weeks later when another fugitive, Thomas Sims, was arrested. The man did have a fair trial, and it was proved that he was a fugitive. He was taken to the ship that was to carry him South by 300 policemen, and the militia was put under arms. But there was not the slightest disturbance. The President's proclamation was obeyed. When it was proposed to hold a meeting of protest a few nights later, the use of Faneuil Hall was denied to the remonstrants. But these two incidents had a great effect on public opinion in Boston. Two meetings were held, one addressed by Henry Wilson and Thomas Wentworth Higginson, and the other by William Lloyd Garrison. Theodore Parker and Wendell Phillips also spoke to large audiences on the day of the arrest of Sims. It was at least made clear that in Boston the surrender of fugitive slaves would not be a mere matter of form. In this crisis the city was neutral, as far as it was represented by its authorities, who a few days later denied the use of Faneuil Hall to the Whigs and Democrats who wished to tender a public reception to Daniel Webster.

But the Southern representatives in Congress began to see that it would be no easy matter to reconcile the North to the fugitive-slave law. Whigs and Democrats joined in condemning all attempts to nullify the law. Douglas spoke with his usual vehemence, refusing to regard the rescue

of Shadrach as trivial, for it was a conspiracy against the government. He said that there was an organization in many States the object of which was to defy the law and thwart its execution, and he was right. For abolitionism was growing popular, liberty societies were springing into life, and the Underground Railway soon began to do a very extensive business. But, nevertheless, the feeling in both sections was still generally favorable to the Compromise, and the leaders of both parties were anxious to minimize the slavery issue, in the hope that it might gradually disappear.

In the Senate Clay labored strenuously for peace, and was measurably successful in calming the apprehensions of the South. He spoke of the many cases in which there had been no difficulty in securing the return of slaves, although he added there must be difficulty in enforcing such a law as this. It was not easy to secure the full and complete enforcement of any law. The President, he was sure, would do his full duty, since both he and his cabinet were fully committed to the enforcement of the statute, as to the whole Compromise, which had, he thought, "worked a miracle." There was no more agitation about the Wilmot proviso, California, or slavery in the District of Columbia. In his opinion the South ought not to be too exacting, since it had fared so well, and the country as a whole had benefited so greatly from the Compromise. Clay

said that he would be willing to dispense with the proclamation now required, and authorize the President to call out the military power whenever there was reason to expect a disturbance in connection with the arrest of a slave. The whole speech was designed to buttress the Compromise and to win support for it in the South. He said that the trouble was caused not by the people of the North as a whole but by the abolitionists—who, it may be said, were forced to carry many burdens, all of which did not rightfully belong on their shoulders. Southern senators generally took Clay's view, though there were those who insisted that the law would never be enforced till the people of the North accepted it "cordially." The antislavery senators, on the other hand, did not assent to Clay's remarks—they knew that the law would never be accepted "cordially." But peace was restored, and the judiciary committee to which the President's message was referred reported that no change in the law was advisable or necessary. Clay, believing that the trouble was over, said that he "would be extremely delighted if the subject of the tariff of 1846 could be taken up in a liberal, kind and national spirit."

## CHAPTER VII

### PRESIDENT-MAKING

THE summer of 1851 saw the launching of many presidential movements. Douglas, despite his youth, had been "mentioned" in 1848, but he probably did not think of himself as a serious quantity. But now he did—as did many others. That he was a national figure, and a man of influence and power, was everywhere recognized. He had, too, popular qualities and undoubted "magnetism." His record in Congress had brought him prominently before the people, and his work in that body had been generally approved. Indeed, it was thought by many in 1851 that he had the best chance of winning the Democratic nomination. Both parties seemed disposed to let the slavery question slumber, as was natural with a presidential campaign just ahead. The Whigs were not prepared to force the moral issue lest they offend the Southern members of the party, while the Democratic leaders sought to conciliate the Northern Democrats. But there was nevertheless some excitement over several futile attempts to enforce the fugitive-slave law and to punish those who defied it. Among these latter were men of the highest character, such as Gerrit

Smith, an old abolitionist, who actively led in the rescue of a supposed fugitive. In one of these affairs a slave-owner was killed and his son wounded. Not one of the accused men was convicted. Mr. Smith defied the courts to bring him to trial, and openly avowed his part in the proceedings. The challenge was not accepted. Thus within less than a year after the passage of the law it had become clear that its enforcement was practically impossible in the North. Once again it was demonstrated that laws could be of no force unless upheld by public sentiment. It was also clear that the Northern people could not be brought to accept the Southern view that men, even though black, were merely property. As Professor Sumner would have said, the fugitive-slave law was in conflict with Northern mores. But the remarkable thing about it all is that the South did not seem to be much excited. On the contrary, there was during the year 1851 a strengthening of Union sentiment. The Southern Rights Association, which met at Charleston, S. C., in May, had declared in favor of secession, and was supported in its decision by twenty-eight out of thirty prominent newspapers. The people of South Carolina were prepared to take this step even though they had to take it alone. But in the election of delegates to a State convention, which took place in October, two-thirds of the delegates chosen were opposed to secession without the co-operation of

other States, which meant that they were for the Union. In Mississippi, which was hardly less radical, Senator Foote and Jefferson Davis were candidates for governor, the former of the Unionist, and the latter of the States' rights party. The canvass was thorough, and the issues were exhaustively discussed. Foote was elected by a majority of 1,009. The verdict was not impressive, but it was nevertheless against secession. The State convention, delegates to which had been elected prior to the election of governor, committed the State to the Compromise, and declared that the right of secession was not sanctioned by the federal Constitution. The situation was clearly improving. Little was expected of the Congress that met December 1, 1851. Every one felt that it would be little more than a President-making body. Benton was no longer a member of the Senate, having been defeated, after a gallant fight, by the proslavery men of Missouri because he would not yield his convictions on slavery. Chase of Ohio, Seward of New York, and Hale of New Hampshire, strong opponents of slavery, were reinforced by Benjamin F. Wade of Ohio, and Charles Sumner of Massachusetts, who sat in Webster's seat. All these men had an intense hatred for slavery, and they were not slow to show it—especially Wade and Sumner. The latter soon proposed a repeal of the fugitive-slave law, the only effect of which Douglas thought would

be to "fan the flames of discord that have so recently divided this great people." The Illinois senator soon plunged into a debate over the old issue, challenged, as he thought, thereto, by Foote of Mississippi, who on the day after the session opened offered a resolution declaring the compromise measures "a definite adjustment and settlement." The Compromise still needed much buttressing, especially as the Southern men made it clear that they regarded the fugitive-slave law as the crux of the whole situation. Douglas, feeling that his consistency, was impeached by the charge that he had not voted for the law, felt that it was necessary for him to defend himself. He gave the same explanation for his failure to do so that he had given in his Chicago speech a few weeks before, and it was sufficient. But he had also been charged with having voted for the Wilmot proviso, which was of course the fact. He showed that he had voted against the proviso several times, and that whenever he had voted for it it had been in obedience to instructions from his constituents. He had always declared that those votes were not his own, but those of the people whom he represented. "Notwithstanding these instructions," he said, "I wrote the bills and reported them from the committee on Territories without the prohibitions, in order that the record might show what my opinions were; but, lest the trick might fail, a Free-Soil senator offered an amend-

ment in the precise language of my instructions. I knew that the amendment could not prevail, even if my colleague and myself recorded the vote of our State in its favor. But if I resigned my place to an abolitionist, it was almost certain that the bills would fail on their passage. After consulting with my colleague and with many senators friendly to the bills, I came to the conclusion that duty required that I should retain my seat. I was prepared to fight and defy abolitionism in all its forms, but I was not willing to repudiate the settled doctrine of my State in regard to the right of instruction." Presumably he would have resigned had he known that his vote would have carried the proviso—though he did not say so.

It was fortunate for Douglas that he had so clear an argument, and one supported by a record that had from his early manhood been entirely consistent with it. For the situation was exceedingly critical. He was an avowed candidate for the presidency, and was appealing to the country to support the Compromise, and to rally to him as one of its principal authors and chief defenders. The issue, he foresaw, would be one of the most important ones in the campaign that was soon to open. Indeed Douglas was already sounding the people, and planning his campaign for the nomination. Was Foote's speech designed to cripple him, and if so did he speak for any considerable element in the South? The

blow, whether maliciously designed or not, was shrewdly struck. The South had been bitterly opposed to the Wilmot proviso, and it had been surrendered by Webster and Clay in order to placate that section, and win its support for the Compromise. On the other hand, the fugitive-slave law was held to be an essential part of the Compromise, and was believed by many to be the only thing that the South got out of it. Nothing worse, therefore, from a political point of view, could be said of a presidential candidate than that he had voted for the Wilmot proviso, and had not voted for the fugitive-slave law. There was nothing for Douglas to do but set matters straight. In doing so he greatly strengthened his position, and won the approval of his party associates. Referring to his Chicago speech he said: "This was the first public speech ever made in a free State in defense of the fugitive-slave law, and the Chicago meeting was the first public assemblage in any free State that determined to support and sustain it. At Chicago the reaction commenced. There rebellion and treason received their first check, the fanatical and revolutionary spirit was rebuked, and the supremacy of the Constitution and laws asserted and maintained. I claim no credit for the part I acted. I did no more than my duty as a citizen and a senator. I claim to have done my duty, and for that I was entitled to exemption from the repeated charges by the special organ

of the administration, and other partisan prints, of having dodged the question. I never dodge a question. I never shrink from any responsibility which my position and duty justly devolve upon me. I never hesitate to give an unpopular vote, or to meet an indignant community, when I know I am right. My political opponents in my own State have never made such a charge against me, and I feel that upon this point I can appeal to the Senate with perfect safety for a unanimous verdict in my favor." "The Democratic party," he said, "is as good a Union party as I want, and I wish to preserve its principles and its organization and to triumph upon its old issues. I desire no new tests, no interpolations into the old creed." He declared it to be his purpose never to address Congress again on the subject of slavery. The defense served its purpose, though there must have been some who wondered whether the casting of a popular vote under instructions was not equivalent to refusing to cast an unpopular vote. A Southern senator many years later refused to vote, in obedience to instructions, for a financial policy which he disapproved; he voted his convictions, and tendered his resignation—which was not accepted. Perhaps the same method would have served in this case. However, Douglas made it clear that he was, and always had been, opposed to the Wilmot proviso, and a friend to the fugitive-slave law. There could have been

no doubt in any mind on those points. Though it might still have been asked whether, in a crisis, he would hold his convictions above any instructions he might receive. Coming from a Northern State, there could be no telling what his people might demand of him. There were some signs of growing distrust of him in the South, of which the sneer of Jefferson Davis in "crediting" him with the compromise legislation was one of the first. But he had paved the way very satisfactorily for his campaign. In writing to a friend on December 30, 1851, he said: "Things look well, and the prospect is brightening every day. All that is necessary now to insure success is that the Northwest should unite and speak out." This was one week after the delivery of his *apologia*.

Little seems to have been expected from Congress, with a presidential campaign in the immediate offing. There were two "possibilities" in the Senate—Douglas and Cass. But without regard to candidates each party was anxious for victory. The Democrats, no more than the Republicans of our own day, could think of their party as being out of power except as the result of an accident, and they were hungry for place. Doubtless the Whigs were quite as anxious to show that their victory of 1848 was not mere luck. Each member of Congress had his own personal ambitions, and so all were interested in saying and doing nothing that

might spoil their chances. The Northern Democrats, under the leadership of Douglas, were specially anxious to keep things quiet. Perhaps that is one reason why Douglas was so quick to deprecate Foote's efforts to open up the slavery question. It was, in short, a President-making session. "A politician does not sneeze," said an observer, "without reference to the Presidency."

"The Democratic party," Douglas had said, "is as good a Union party as I want, and I wish to preserve its principles and its organization and to triumph upon its old issues." It was indeed as good a Union party as there was—quite as good as the Whig—but it was not easy to say what "the old issues" were. The senator from Illinois does not seem to have been wholly content with them, for he sought to inject himself into the campaign as the representative of progressive principles. Diligently he and his friends labored to make it appear that they stood for what would later have been called "a new deal," and for the retirement of the "Old Fogies." The doctrine of an intense and rather demagogical nationalism was strenuously preached, accompanied by many manifestations of the jingo spirit. Of course there was nothing new in all this, for it was hardly more than a revival of the old "Manifest Destiny" doctrine or spirit. The purpose was not so much to commit the party to anything new—indeed, Douglas, as has been seen, ex-

pressly disclaimed any such purpose—as to “fire the hearts of the masses.” The Democrats were not greatly in need of issues, for it was generally agreed that if the status quo were maintained they were almost certain to elect their presidential candidate. The Compromise had seriously divided the Whig party, while it had rather tended to bind their opponents more closely together. With the growth of the antislavery sentiment it was inevitable that the antislavery party should become increasingly sectional. The Northern Whigs had made their utmost concession to the Southern members of the organization when they accepted the Compromise. In the first month of the session a Whig caucus had been called to consider a resolution declaring the Compromise a finality. Not more than fifty of the eighty-six members attended, and of these one-third voted to table the resolution. Another caucus was held in April for the purpose of fixing the time and place for the national convention, and at this caucus such a resolution was actually laid on the table. Several members left the meeting, and later eleven Southern Whigs issued an address in which they said that they would support no candidate who did not openly accept the Compromise as they did. However, the Democrats were not without troubles of their own. For when the house in April voted on a similar resolution, 74 members voted against it as against 103 for it. Among the 74 who refused

to declare that the Compromise was a final settlement were 26 Northern Democrats (including two Free-Soilers), 28 Northern Whigs, 19 Southern Democrats and one Southern Whig. Twenty Southern Whigs voted for the resolution, and only 7 Northern Whigs did so. Thus there was a division in both parties. But part of the Democratic opposition was from the extreme slavery men, including the whole delegation from South Carolina. It seemed safe to assume that these men would stand by their party in a national election, rather than take their chances with a party that numbered a Seward and a Sumner among its adherents. Thus the Compromise worked very strongly for Democratic success. Webster and Clay must have realized that, whether or not they had kept the Union together, they had certainly disrupted their own party, and cemented the opposing organization. Naturally, therefore, Douglas was for the old issues, and his effort was to rouse the people on them, and for himself. Indeed, he went clear back to the palmy days of Jackson when he wrote: "I shall act on the rule of giving the offices to those who fight the battles." Several articles appearing in the *Democratic Review* drew the picture of the ideal candidate, a portrait that bore a striking resemblance to Stephen A. Douglas. They were attacks, at least by inference, on the other candidates, and are supposed to have injured Douglas. At any rate he

and his supporters were quick to disclaim responsibility for them. But there can be no doubt that Douglas believed that the party and the nation needed a man of the present rather than the past, and "a tried civilian, not a second and third rate general." Here was a direct drive at General Cass. It is amusing to recall that the convention nominated "a third-rate general," and that it went to New Hampshire, and not to the boundless West, for him. But the campaign of Douglas went bravely on, and he had every reason to feel hopeful. "Prospects," he wrote, "look well and are improving every day. If two or three Western States will speak out in my favor the battle is over. Can anything be done in Iowa and Missouri? That is very important." He very naturally looked to the West, nor had he any reason to think that the South was not, as a whole, friendly to him. He had, too, appealed strongly to the national feeling, had been an expansionist, holding it to be the nation's duty to acquire, not only Mexico, but Cuba and Central America. Young himself—he was only thirty-nine—and calling for new blood in politics, Douglas might well have thought that the young men would have rallied to his support. But the old-timers, unfortunately for him, were in control of the machinery, and the convention proved that it was one that was susceptible to management, and that it could not be rushed. It met in Baltimore June 1.

The leading candidates were Cass, Buchanan, Marcy, and Douglas, not one of whom—as had been foreseen before the convention met—would be able to command a two-thirds vote. The “wise ones,” understanding this, had several months before started a movement for Franklin Pierce, though they resolved not to present his name till it was clear that the leading candidates were disposed of. On the first ballot Cass received 116 votes, Buchanan 93, Marcy 27, Douglas 20, and the field 25. Douglas got only 2 votes from the South. His strength rapidly increased, and on the twenty-ninth ballot he had 91 votes, Buchanan receiving 93, and Cass 27. It was on the next ballot that the name of Pierce was presented, but on the forty-eighth ballot he received only 55 votes, while Cass had 73, Buchanan 28, Douglas 33, and Marcy 90. On the next ballot the break came, and Pierce was chosen, his vote being 282 as against 6 for all other candidates. William R. King of Alabama was nominated for Vice-President. Douglas was greatly disappointed at the poor showing he made in the West. California cast her vote for him on the first ballot, but only 15 of his 20 votes came from the West, and of these 11 were from Illinois. He got no votes from Indiana. Yet Douglas and Cass were the strongest in the West, and Buchanan in the South. It was in the Middle West that the Illinois senator’s greatest weakness was shown. But he drew support from

all sections of the Union. The interpretation of statistics is never easy. There are some authorities who hold that the Baltimore convention showed that Douglas would, if he were to be a formidable factor in the future, have to win a larger following in the South, and they interpret every act from then on to his realization of that need. Others hold that he had much to hope from the West and the East, and that—the words are those of Professor Johnson—"to attribute to Douglas, from this time on, as many writers have done, a purpose to pander to the South, is not only to discredit his political foresight, but to misunderstand his position in the Northwest and to ignore his reiterated assertions." Certain it is that his subsequent action was bitterly displeasing to the North. Perhaps he had no idea that it would be—and did not mean it to be. The truth is that though his support was widely scattered, it was not of commanding strength anywhere. He took his defeat in good spirit, and sent the usual congratulatory telegram to the successful candidate, in which he said: "I congratulate the Democratic party upon the nomination, and Illinois will give Franklin Pierce a larger majority than any other State in the Union." The only important planks of the platform are those dealing with the slavery question, which are as follows: "Resolved, that Congress has no power under the Constitution to interfere with or control the domestic institutions

of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs, not prohibited by the Constitution; that all efforts of the abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people, and to endanger the stability and permanence of the Union, and ought not to be countenanced by any friend of our political institutions. Resolved, that the foregoing proposition covers, and was intended to embrace the whole subject of slavery agitation in Congress; and, therefore, the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the Compromise measures settled by the last Congress, 'the act for reclaiming fugitives from service or labor' included; which act, being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed, or so changed as to destroy or impair its efficiency. Resolved, That the Democratic party will resist all attempts at renewing, in Congress, or out of it, the agitation of the slavery question, under whatever shape or color the attempt be made." So once again the Compromise was declared to be "a permanent settle-

ment." Did any other piece of legislation receive so many and so frequent ratifications? The Whig convention also met in Baltimore, on June 17. It is chiefly remarkable as marking the final and crushing defeat of the ambition of Daniel Webster. The candidates were President Fillmore, Webster—his Secretary of State—and General Scott. The President had a large number of pledged delegates, and was popular in the South because of his enforcement of the fugitive-slave law. Patronage was used in his behalf. He had the support of Clay. On the first ballot he received 133 votes, to 131 for Scott, and 29 for Webster. On the fiftieth ballot the South turned to Scott, and he was nominated on the next ballot, his vote being 159 to 112 for Fillmore. There might have been a combination by the conservative Whigs on either Fillmore or Webster, between whom the relations were most cordial, and the President did write a letter authorizing the withdrawal of his name, but it was not made public. Probably, however, the South would not have voted for Webster, though it would have supported Fillmore. Webster had only 6 votes outside of New England, every New England State except Maine giving him votes.

Strange as it may seem, Webster had been confident of success, and with Clay out of the way there was indeed no one in the Whig party that could on the score of merit contest the nomination with him.

To be beaten by another Mexican war hero, and beaten with a terrible decisiveness, must have been humiliating to him. But the South would have none of him, feeling that it had got from him all that it could hope for. The supporters of General Scott, on the other hand, were mostly men who had opposed the Compromise. The friends of the Compromise in the South were mostly for the nomination of President Fillmore. The result was the nomination of a man supposed to be hostile to slavery on a platform that favored the Compromise. Webster refused to support General Scott, and openly advised his friends to vote for General Pierce, on the ground that the Whigs were hopelessly divided, while the Democrats were unanimously determined to resist any further agitation of slavery. It is hardly necessary to consider his action from the ethical point of view. Yet it may be said that the Whig party was hardly more divided after the convention than it was before when Webster sought a nomination at its hands, and probably no more divided under the leadership of Scott than it would have been under that of Webster. The great man was sorely disappointed—and also he might honestly have despaired of the future of the Whig party, which was, as the election showed, practically dead in 1852. The slavery plank is as follows: "The series of acts of the 31st Congress, commonly known as the Compromise or adjustment (the act for

the recovery of fugitives from labor included), are received and acquiesced in by the Whigs of the United States as a final settlement, in principle and substance, of the subjects to which they relate; and so far as these acts are concerned, we will maintain them, and insist on their strict enforcement, until time and experience shall demonstrate the necessity of further legislation to guard against the evasion of the laws on the one hand, and the abuse of their powers on the other, not impairing their present efficiency to carry out the requirements of the Constitution; and we deprecate all further agitation of the questions thus settled, as dangerous to our peace, and will discountenance all efforts to renew or continue such agitation, whenever, wherever, or however made; and we will maintain this settlement as essential to the nationality of the Whig party and the integrity of the Union." As "the nationality of the Whig party" could be maintained only by holding its Southern members, the leaders found it necessary to commit their party to a position practically identical with that taken by the Democrats. So the national character of the party was preserved for what it was worth at the cost of its moral character. The Whigs could hardly have had any hope of success. "The North, the free States," Seward wrote, "are divided as usual, the South united. Intimidation, usual in that quarter, has been met, as usual, by concession,

and so the platform adopted is one that deprives Scott of the vantage position he enjoyed. I anticipate defeat and desertion. When will there be a North?" Later in the summer he said: "I still remain strongly inclined to give up this place and public life. If the State Whig convention adopt the platform, I think I shall be justified in resigning at once." Yet Scott suffered because it was supposed that he would be dominated by Seward. So strong was this feeling that Mr. Seward felt constrained to write and make public a letter in which he said that he would neither ask nor accept "any public station or preferment whatever at the hands of the President of the United States, whether that man were Winfield Scott or any other man." Seven Whig representatives from the South, including Toombs and Stephens, publicly declared that they would not support Scott because he was "the favorite candidate of the Free-Soil wing of the Whig party." There was in truth disaffection everywhere. The Free-Soilers had a ticket of their own, having met at Pittsburgh in August and nominated John P. Hale of New Hampshire, and George W. Julian of Indiana as their candidates for President and Vice-President. The platform declared for "free speech, free soil, free labor, and free men." The party served as a refuge for discontented Whigs, and paved the way for the Republican party four years later. Indeed there was significant movement

from both sides to the Free-Soil party. Charles Francis Adams, Henry Wilson, and Joshua R. Giddings, who were Whigs, voted for Hale, as did Salmon P. Chase, a Democrat. On the other hand, William H. Seward, Horace Greeley, and Benjamin F. Wade supported Scott. The rift, that was soon to become a chasm, was opening. The campaign as a whole was humiliating. There were many personal charges brought against the candidates, most of which were false. General Scott made a speaking tour which did him no good, and only served to discredit him as a candidate with thoughtful men. Douglas, of course, made many speeches, none of the slightest importance. Though he had said several months before that he would "act on the rule of giving the offices to those who fight the battles," he boasted in one of his campaign speeches that "there had never been a Democratic administration in this Union that did not retain at least one-third of their political opponents in office," and, after Pierce had been elected, he said that Democrats should have the offices. "The best men," he said, "should be selected, and everybody knows that the best men voted for Pierce and King." Though a Democratic victory was looked for, no one anticipated such a landslide as took place. Pierce received 254 electoral votes as against 42 for Scott, and carried twenty-seven States as against four carried by Scott. Pierce's popular majority was

202,008 in a total vote of 3,126,378. Only Vermont, Massachusetts, Kentucky, and Tennessee gave their votes to the Whig candidate. In Illinois the Whigs increased their vote over 1848 by 11,719, and the Democrats by 24,968, the Democratic majority rising from 2,414 to 15,663. The Free-Soil vote shrank from 15,804 to 9,966. The Democrats had evidently profited from the Whig compromise, for they won largely because the people, who were weary of the slavery agitation, believed that the Democratic party was more strongly committed than its rival to the compromise. The feeling undoubtedly was that the end of the long, painful, and dangerous controversy had at last come. Naturally, therefore, there was a feeling of elation at the overwhelming triumph of the party which was supposed to stand for national peace and stability. The people were soon to be rudely awakened by Douglas with his Kansas-Nebraska bill, which reopened the whole controversy, and brought freedom and slavery face to face in free territory. But in November, 1852, there was a great feeling of relief, and the people could not realize—perhaps could not have been expected to realize—that it was a mere breathing spell.

Both Clay and Webster died before the election, the former on June 29, and the latter on October 23. The passing of these great men was itself part of the change that was coming over the nation.

The day of the compromisers was closing, and new men were coming to the front—Seward, Sumner, Wade, Chase, Giddings, and others of less prominence—who were strangers to their methods, and who felt very strongly that the limit of concessions had been reached. It was soon seen that the land was not “settling to its rest.”

As had been predicted, the session of Congress, which lasted till August 31, transacted no business of importance. Perhaps the most interesting incident was Sumner’s attack on the fugitive-slave law. Early in the session the Massachusetts senator had proposed the repeal of the law, and been rebuked by Douglas for so doing. Later he suggested that the judiciary committee consider the expediency of repeal, but his motion to that effect received only 10 votes. Five days before the close of the session he returned to the attack, and discussed the question in his first formal speech. But the only effect was to bring on himself the denunciation and ridicule of the extreme slavery men—for which he cared nothing—and to prove how firm was the hold that the Compromise then had on the country. Only four senators—Chase, Hale, Sumner, and Wade—voted for his resolution. The fight from now on, as far as the South was concerned, was to make slavery national, for every one could see that if it did not expand it would die. Webster, too, had argued that freedom was national, and slavery

peculiar, exceptional, municipal, and sectional. Sumner's appeal, however, was not to the Senate, but to the conscience of the nation and to the future. It was not unresponded to. Slavery had more to fear from him at that time than from any other one man.

## CHAPTER VIII

### PIERCE'S SURRENDER

As far as Douglas was concerned, the election of 1852 was in every way satisfactory. He was, if anything, more strongly intrenched than ever in the confidence of the people. He had taken a very conspicuous part in the compromise legislation that had been approved by the country, and had indeed shared the credit for it with Clay and Webster. He was recognized throughout the country as the leader of his party. His State had given Pierce a handsome majority, and he could claim the credit of "carrying it." Douglas had accepted his defeat in the convention manfully, and had thrown himself into the national campaign with all his vigor. There was, of course, no doubt of his re-election to the Senate, nor was there a cloud in his political sky. Even his losing campaign for the presidential nomination had helped him, for he had made a good showing. Both he and his constituents had every reason to be content with the present, and to look to the future with high hopes. The Whig party was visibly going to pieces, while the Democratic party never seemed to be stronger. That man would have been thought insane who should have pre-

dicted in 1853 that the election of 1856 would be the last one carried by the Democratic party till 1884. There was no end in sight—at least not to the superficial observer—to the Democratic party's control of the government. The Illinois legislature met in January, 1853, and re-elected Mr. Douglas to the Senate by a vote of 75 to 20. The period covered by this his last full term was one of the most exciting and turbulent in our national history. But when he went back to Washington in December, 1852, he must have felt a sense of security and elation both in regard to himself and his party. He began his second term in the Senate before he had reached his fortieth birthday. Trade was good and the country in a highly prosperous condition, so much so that there was a demand that the low tariff of 1846 be reduced—a demand that was heeded five years later. Yet Douglas soon saw difficulties ahead of the administration, though not one of them spoken of by him had any relation to slavery.

He must have realized that the parties had been divided on no real question of principle. Both had indorsed the compromise legislation, the only advantage that the Democrats had being the credit that the people gave them for greater sincerity. Such as the issue had been, the general belief was that it had disappeared—this certainly was at the time the belief of Douglas. He may not have deliberately sought to bring new issues to the front,

but he probably realized that a party must have policies as well as principles. There can be no doubt that he was thinking of the presidency, though he later wrote that he did not think that he would be willing to have his name used in that connection. "The party," he said, "is in a distracted condition, and it requires all our wisdom, prudence, and energy to consolidate its power and perpetuate its principles." The administration, he thought, "has difficulties ahead," as indeed it had, but not such as Douglas dreamed of. His thought was of tariffs, revenue, surplus, rivers and harbors, and Pacific railroads. "These," he said, "are the main questions." At any rate, shortly after the election, he gave out a statement of Democratic policies, as he conceived them, and in that he reverted to his old doctrine of "Manifest Destiny." "Whenever," he said, "the people of Cuba show themselves worthy of freedom by asserting and maintaining independence, and apply for annexation, they ought to be annexed; whenever Spain is willing to sell Cuba, with the consent of its inhabitants, we ought to accept it on fair terms; and if Spain should transfer Cuba to England or any other European power, we should take and hold Cuba anyhow." This doctrine was pleasing to the slavery men who had long looked on Cuba as good slave territory. There was in it too an appeal to "the popular heart." Douglas took the same tone in his discussion of the Clayton-Bulwer

treaty. He had, it may be remembered, been opposed to the treaty at the time of its ratification three years before, but had not given his reasons since he could not do so without violating the secrecy of an executive session. By this convention, the United States and Great Britain had covenanted to further the construction of a ship canal through Nicaragua, and to guarantee its neutrality, and also the neutrality of any other regions through which a canal might be built. Further Great Britain had renounced any "dominion over Nicaragua, Costa Rica, the Mosquito Coast or any part of Central America." The question was—and it was raised by the rumor that Great Britain had established a new colony in Honduras—as to whether the British Government had abandoned its claim to a protectorate over the Mosquito Coast. Before the ratifications were exchanged, Bulwer, the British minister, informed Secretary of State Clayton, that he had been instructed to insist on an explanatory declaration that the provisions of the treaty did not apply to British Honduras, long recognized as a British colony. Mr. Clayton asked William R. King, at the time chairman of the committee on foreign relations, who had been elected vice-president on the ticket with Pierce, what had been the understanding of the Senate when the treaty was ratified, and King said that "the Senate perfectly understood that the treaty did not include British

Honduras." Thus the Secretary of State who negotiated the treaty, and the chairman of the committee that recommended its ratification, seem to have had no doubts about what was intended, and the latter is authority for the statement that the Senate was clear on the matter. British jurisdiction over the Mosquito strip was maintained, without objection from our government, till a few years ago, when it was voluntarily renounced. And the Clayton-Bulwer treaty lasted till the negotiation of the treaty under which we built the canal, and which gave us full control of it. So that all that Douglas demanded was finally brought to pass. But he was for bringing it to pass at once, and by war, if necessary. When a British man-of-war fired on an American steamship for refusing to pay port dues on entering the harbor of Greytown the issue was raised, and Douglas made the most of it.

Many of the points made by him against the treaty must be admitted to be sound in the light of later experience. When this country was ready to begin the construction of the canal it at once sought relief from the restrictions imposed by it. Our government was unwilling to become a partner with Great Britain in the work, or to enter into an international agreement for the maintenance of neutrality of the canal or on the isthmus. What was desired was an American canal, and one that should be fortified. Such in substance was the argu-

ment of Douglas. There is much in his speech that is not argument, much that hardly rises above demagogism. His distrust of England, if not hatred of her, was profound. The spirit that he showed in this discussion was the same as that manifested in his discussion of the Oregon boundary question. Our concessions in regard to Oregon were, he had held, in violation of the Monroe Doctrine. Such, he argued, would be the effect of any recognition by this government of British influence on the isthmus, much more any admission of her right to participate in the building of the canal, or in a guaranty of neutrality. Yet there were British colonies in that region, as there are to-day such colonies on this side of the Atlantic, and the Monroe Doctrine itself bound us not to interfere in any way with such possessions. But Douglas did discriminate here, since he agreed that colonies existing at the time of the promulgation of the Monroe Doctrine were not forbidden by it. What he had in mind was the supposed attempt of Great Britain to establish a new colony in the bay of Honduras. "I am unwilling," said Douglas, "to enter into any treaty stipulations with Great Britain or any other European power in respect to the American continent, by the terms of which we should pledge the faith of this republic not to do in all coming time that which in the progress of events our interests, duty and even safety may compel us to do. I have al-

ready said, and now repeat, that every article, clause, and provision of that treaty is predicated upon a virtual negation and repudiation of the Monroe declaration in relation to European colonization on this continent. The article inviting any power on earth with which England and the United States are on terms of friendly intercourse to enter into similar stipulations, and which pledges the good offices of each, when requested by the other, to aid in the new negotiations with the other Central American States, and which pledges the good offices of all the nations entering into the 'alliance' to settle disputes between the States and governments of Central America, not only recognizes the right of European powers to interfere with the affairs of the American continent, but invites the exercise of such right, and makes it obligatory to do so in certain cases. It establishes, in terms, an alliance between the contracting parties, and invites all other nations to become parties to it." Growing more bitter as he proceeded, he launched into an attack on Great Britain, denied the possibility of any firm and lasting friendship between her and the United States, and later in the debate, replying to a senator who spoke of what we owed to English literature and science, he said: "Is he not aware that nearly every English book circulated and read in this country contains lurking and insidious slanders and libels upon the character of our people and the in-

stitutions and policy of our government?" He demanded that we insist on an immediate withdrawal of the British from the islands they were supposed to have seized—which seizure, if there had been one, was in violation of the very treaty denounced by Douglas—and immediately annul the treaty. Nothing came of all this. Indeed, the appeal was to the country rather than to the Senate. The treaty was ably defended by Seward, former Secretary Clayton, who had just been re-elected to the Senate, and Edward Everett. Yet the situation that exists on the isthmus to-day is precisely the one that Douglas would have created. His speech, however, showed him at his worst. He proved himself to be the prototype of another American senator who years afterward asked: "What have we got to do with abroad?" Of his visit to Europe shortly after the inauguration little need be said. He went with a mind filled with prejudice, firmly convinced that Europe had nothing to teach us except by way of warning. Though he is said to have "spent several months in personal observation of the various governments of Europe," the most important thing about his trip, if one may trust his biographer, Sheahan, was the opportunity to teach Europe a lesson in democracy. "He was," says Sheahan, "presented to the Emperor of Russia, and was *not* presented to the Queen of England." Court dress was required, and Douglas refused to make any

concessions, though the American Minister, Mr. Buchanan, found no difficulty in doing so. But in Russia the rule was dispensed with, and Douglas was told that he was right in his attitude, the authority being Count Nesselrode. Sheahan says: "The emperor was at the time celebrating, at some distance from St. Petersburg, a great Russian national festival, and was reviewing the national army. Accompanied by Baron Stoeckle, Mr. Douglas proceeded in an imperial carriage and under an imperial escort to the neighborhood of the camp, where he left the carriage and proceeded on horseback toward the position on the field occupied by the emperor. At a proper distance he was met by officers of the imperial staff and conducted to the emperor. He was the only American present at that magnificent display of the power and wealth of the empire; representatives from all quarters of the world were present to witness one of the grandest festivals of Russia, graced by the presence of the imperial household and of all the most distinguished individuals of the empire, and yet into this scene of royal magnificence Mr. Douglas was admitted and welcomed with a frank cordiality by the emperor, in the same black suit of cloth in which, just before his departure, he had visited Franklin Pierce." Thus was won another victory for democracy. It was excellent campaign material, nor is the incident without value historically as throwing some light on the character

of the man. He did not return, says Professor Johnson, "a larger man either intellectually or morally."

There was of course no doubt as to the attitude of the new administration. Franklin Pierce was a man of respectable ability, a good lawyer, and a prominent figure in his own State. He entered the Mexican war as a private, and came out a brigadier-general, with a good record. He was the fourth candidate, and the second president to be graduated from that war. Ambition was not one of his failings, as he had refused an appointment as attorney-general in the Polk administration, and had declined his party's nomination as its candidate for governor. Nor had he any special desire to be President, though he must have known, and perhaps participated in the efforts of his friends. At least he would have been quite happy had the choice fallen on another. There is no reason to think that the humility that he showed in his inaugural address was assumed. He spoke of himself as having been "borne to a position, so suitable for others rather than desirable for myself." "You have," he said, "summoned me in my weakness; you must sustain me by your strength." Only two features of the address call for special comment. After speaking of the strength that the government showed in the days of its physical weakness, and of the justifiable fear of the fathers that the acquisition of new territory might prove disastrous, the President said:

"The actual working of our system has dispelled a degree of solicitude, which, at the outset, disturbed bold hearts and far-reaching intellects. The apprehension of dangers from extended territory, multiplied States, accumulated wealth, and augmented population, has proved to be unfounded. The stars upon your banner have become nearly threefold their original number; your densely populated possessions skirt the shores of the two great oceans; and yet this vast increase of people and territory has not only shown itself compatible with the harmonious action of the States and federal government in their respective spheres, but has afforded an additional guaranty of the strength and integrity of both. With an experience thus suggestive and cheering, the policy of my administration will not be controlled by any timid forebodings of evil from expansion. Indeed it is not to be disguised that our attitude as a nation, and our position on the globe, render the acquisition of certain possessions, not within our jurisdiction, eminently important for our protection, if not, in the future, essential for the preservation of the rights of commerce and the peace of the world. . . . It is not your privilege as a nation to speak of a distant past. The striking incidents of your history, replete with instruction, and furnishing abundant grounds for hopeful confidence, are comprised in a period comparatively brief. But if your past is limited, your

future is boundless." These words must have gladdened the hearts of "Young America," and won the unbounded approval of Douglas. Whether the President was thinking of Cuba, the isthmus and the future canal, or of Mexico, is not a matter of much importance. It was enough to know that he was an expansionist, and also that any territory acquired under his administration that was suitable for slavery would have been dedicated to slavery. The address was in this particular little more than a polished and polite echo of the speech of Douglas on the Clayton-Bulwer treaty less than three weeks before. But of course the greatest interest was in the President's attitude toward slavery. It was all that could have been desired by the South. In his discussion of the great issue Mr. Pierce said that he was "moved by no other impulse than a most earnest desire for the perpetuation of that Union which has made us what we are, showering upon us blessings, and conferring a power and influence which our fathers could hardly have anticipated, even with the most sanguine hopes directed to a far-off future." "My own position," he continued, "upon this subject was clear and unequivocal, upon the record of my words and acts, and it is only recurred to at this time because my silence might perhaps be misconstrued." After further dilating on the glories of the Union, the President proceeded to indicate the policy that was necessary to save

it: "Every measure tending to strengthen the fraternal feelings of all the members of our Union, has had my heartfelt approbation. To every theory of society or government, whether the offspring of feverish ambition or of morbid enthusiasm, calculated to dissolve the bonds of law and affection which unite us, I shall interpose a ready and stern resistance. I believe that involuntary servitude, as it exists in different States of this confederacy, is recognized by the Constitution. I believe that it stands like any other admitted right, and that the States where it exists are entitled to efficient remedies to enforce the constitutional provisions. I hold that the laws of 1850, commonly called the 'compromise measures,' are strictly constitutional, and to be unhesitatingly carried into effect. I believe that the constituted authorities of this republic are bound to regard the rights of the South in this respect, as they would any other legal and constitutional right, and that the laws to enforce them should be respected and obeyed, not with a reluctance encouraged by abstract opinions as to their propriety in a different state of society, but cheerfully, and according to the decisions of the tribunal to which their exposition belongs. Such have been and are my convictions, and upon them I shall act. I fervently hope that the question is at rest, and that no sectional, or ambitious, or fanatical excitement may again threaten the durability of our in-

stitutions, or obscure the light of our prosperity." It would have been impossible for the President to go further. Those who loved liberty were spoken of as the victims of "feverish ambition or of morbid enthusiasm," and the love of liberty itself was classed with "abstract opinions" as to the preferable social order. The President demanded that all laws protecting slavery, softened down by him into "involuntary servitude," including the fugitive-slave law, should be "respected and obeyed," and "cheerfully." Otherwise the Union might be dissolved. It was, in short, a strong proslavery speech.

But the Democrats were again in power, and they were more than satisfied with the situation, and the country too, it must be admitted, was content. The Democrats of that day felt much as many Republicans feel to-day. The following state of mind, as described by Mr. Rhodes, has its counterpart in our own time: "The enthusiastic cheers and noise of cannon which greeted the President when he closed his address was typical of the joy of Democrats all over the country on their restoration to power. In truth, they had always felt, since the first election of Jackson, that the duty of administering the government belonged rightfully to them, and that in their hands only were the interests of the whole people properly protected. Aristocratic cabals and money combinations certainly fared better at the hands of the Whigs, but a party whose

support was largely derived from these elements did not, the Democrats thought, deserve popular success. The Whigs had twice elected a President, but it was by means of the trick of playing upon the universal fancy for military prestige. It was now the general Democratic feeling that the installation of Pierce into office was a restoration simply of the power and patronage justly due the Democrats." However, the inaugural address was well received except by the abolitionists—who were growing in numbers—and the Free-Soilers. Undoubtedly the country longed for peace and quiet. The cabinet was as follows: William L. Marcy of New York, Secretary of State; James Guthrie of Kentucky, Secretary of the Treasury; Jefferson Davis of Mississippi, Secretary of War; James C. Dobbin of North Carolina, Secretary of the Navy; Robert McClelland of Michigan, Secretary of the Interior; James Campbell of Pennsylvania, Postmaster-General; Caleb Cushing of Massachusetts, Attorney-General. These men were none of them afflicted with any "abstract opinions" as to the right and wrong of slavery. Marcy had opposed the Free-Soilers in his own State; Cushing was lacking in convictions of any sort; while Davis had made his opinions very plainly known. He was, or was soon to be, the leader of the South and of the slavery men.

Perhaps the greatest tragedy in our history was

the failure of many of our political leaders to recognize and support the strong Union sentiment in the South, and it had been very strong. There were men in that section who, whatever they might have thought of slavery, held that the question of preserving the Union was far more important. These men got practically no encouragement from President Polk, and they were to receive as little from President Pierce. In his *Political History of Slavery*, William Henry Smith says: "The President in constituting his cabinet invited dissensions in the party. He unfortunately fell under the influence of the extreme States'-rights leaders of the South, although he had it in his power to strengthen the Union sentiment in the South by throwing the influence of the administration with the majority, and, by strengthening it there, to strengthen it everywhere, and so to secure to a conservative Democratic party the confidence and cordial support of an irresistible preponderance of the American people." The Union cause, Mr. Smith recalls, triumphed in the contests in Georgia, Alabama, and Mississippi in 1850-51. There were secessionists in those States, but Davis, who was one of them, though he rather resented the imputation when he came to write of *The Rise and Fall of the Confederate Government*, says that a desire to destroy the Union was "entertained by few, very few, if by any in Mississippi, and avowed by none." This is a manifest exaggera-

tion. But it is true, as another authority says, that when the issue of secession was "presented clearly and distinctly to the people of Mississippi, it was clearly and distinctly repudiated." This was the sentiment that triumphed, but the President utterly failed to recognize it. There was plenty of material to work with, and yet he took Davis into his cabinet, a man who had been the political associate of such secessionists as Yancey and Quitman, a man on whom had fallen the mantle of Calhoun. Thus President Pierce's policy seems to have been to save the Union by surrendering to those who were prepared to destroy it if they could not have their own way, and abandoning those who were so strongly for the Union that they were prepared to support it even against their own interests. "Were not," Mr. Smith asks, "the Unionists of Georgia, Alabama and Mississippi justified in regarding themselves as under the condemnation of the administration?" What could the people as a whole think of the policy of supporting the compromise of 1850 by appointing to a cabinet position a man—Jefferson Davis—who had, on the floor of the Senate, boasted that he had voted for but one of the bills, and had said that "so far as the public opinion of the community which I represent has been shadowed forth in public meetings and in the public press, it has been wholly adverse to the great body of these measures"? So fatuous does

this policy seem that it is difficult to believe that it was honestly adopted or pursued. Naturally the friends of liberty in the North were greatly distressed, all the more so because the people for a time seemed to be satisfied—as “business” certainly was. Seward said: “I look around me in the Senate and find all demoralized. Maine, New Hampshire, Connecticut, Rhode Island, and Vermont! All, all in the hands of the slave-holders; and even New York ready to howl at my heels if I were only to name the name of freedom, which they once loved so much.” Wade may well have asked whether freedom or slavery was to be national. Certain it is that during the Pierce administration the nation sank to the lowest level it ever touched, except under Buchanan. Whatever may have been the purpose of the President, his policy clearly indicated that he was firm in the belief that the Union could be saved only by a surrender to slavery. The surrender was made, but the Union was not saved by any such means. Nevertheless, the political situation was, from the Democratic point of view, all that could have been desired. The party was strongly intrenched in the confidence of the people. It had administered the affairs of the country for many years, with only two interregnums. By many it was looked on as the only true national party. Every one wished the new administration well. “The prosperity,”

says William Henry Smith, "everywhere prevalent, the marvellous growth of new communities, the absorption of thought and energy in the development of agriculture, commerce, and mining, rendered the people indifferent to the discussion of political subjects. They confidently looked to the President for a continuance of good times, and would most cordially give support to a policy having for its purpose the promotion of pure Democratic principles in the practical administration of the business affairs of the government. The winning manners of the President insured the good-will of those who had intercourse with him. He was fortunate also in having the support of both Houses of Congress by decided majorities, as it was, therefore, possible to carry out any party policy that might be adopted. No preceding administration began under more favorable auspices." The party had just won a tremendous victory. There were probably few people who believed that the Whig party would ever again be able to offer any effective opposition. No political party in our history ever had a better right than had the Democratic party in 1852 to be satisfied with the status quo. The people asked only for peace and a good business administration. Yet the leaders, Douglas among them, with the sympathy and support of the President, within less than a year plunged the party and the country into the bitterest strife by re-opening the slavery

question, which Douglas had said in 1850 he would never again discuss in Congress, and they did it by striking at the Missouri Compromise, which had since 1820 been regarded by the people as permanently defining the status of the territory to which it applied. What is the explanation?

## CHAPTER IX

### POPULAR SOVEREIGNTY

1

THERE can of course be no question as to the motives of the Southern men who favored the Kansas-Nebraska bill, the effect of which was to repeal the Missouri Compromise, and to open to slavery, if the people should choose to adopt it, the territory of Nebraska, which comprised what are now the States of Kansas, Nebraska, Montana, the two Dakotas and parts of Colorado and Wyoming. This land had been twice dedicated to freedom, under the Ordinance of 1787 and the Missouri Compromise. Now the proposition was to remove the barriers, and give to the people the privilege of establishing slavery if they cared to do so. What the South wanted was more slave territory. What did Douglas want? His interest in the West has been shown, and it has been shown also that it was sincere. As early as 1844 he had introduced a bill for the organization of Nebraska, and this was followed by other bills in 1848 and 1852. But Congress treated them with scant consideration. The East was not interested, and the South was unwilling to create States—or even to take the preliminary steps—that must under the law of the land be free. "It looks to me," said

Douglas on one occasion, "as if the design was to deprive us of everything like protection in that vast region. . . . I must remind the Senate again that the pointing out of these objections, and the suggesting of these large expenditures show us that we are to expect no protection at all; they evince direct, open hostility to that section of the country." He felt that this middle section had been neglected, and that if it were properly organized, and adequate protection were assured, people would flock into it. Probably too he realized that it would be impossible to get through Congress any bill dealing with the subject in which there were not some concessions to the South. And of course the only concessions that the South cared about were those in the interest of slavery. The question was how far Douglas could go. He went very far, much further, one can not help thinking, than he would have gone had his motive been solely his desire to provide for the welfare of Nebraska.

It was on January 4, 1854, that Douglas, as chairman of the committee on Territories, made his famous report on the Nebraska question. The bill accompanying it provided that the territory of Nebraska, or any part of it, when admitted as a State "shall be received into the Union with or without slavery, as their Constitution may prescribe at the time of their admission." There has been much discussion as to whether Douglas at the outset in-

tended to repeal the Missouri Compromise which excluded slavery from the territory. It is certain that the North had no doubt as to the meaning of the report and the original bill. Yet Douglas—for the report was his—declared that there was grave doubt in the minds of many whether slavery was prohibited in Nebraska by “valid” enactment—that is, there was doubt as to the validity of the Missouri Compromise. The report favored the incorporation in the bill of the provisions of the compromise of 1850 under which the people of New Mexico and Utah had been permitted to settle the slavery question for themselves. Very naturally the friends of freedom were alarmed, and with good reason. Douglas was quite right when he said later in answer to criticism that “the bill in the shape in which it was first reported as effectually repealed the Missouri restriction as it afterward did when the repeal was put in express terms.” He could have had no other idea, since his whole argument was that the adoption of the compromise measures of 1850 had in principle repealed the Missouri restriction, and therefore the adoption of the principles of the compromise in connection with Nebraska must have repealed the restriction. But the Southerners insisted on making the matter clear beyond dispute. An amendment was offered by Dixon, a Whig, and successor of Henry Clay, which formally and in express terms repealed the Missouri Compromise.

This was more than Douglas was looking for. Perhaps he felt that the point had already been covered, and that the success of the bill might be jeopardized by the amendment. Perhaps his purpose was to make a concession to the South which was no real concession, and to leave the North in a state of uncertainty, such as he admitted in his report to exist. But there can be no doubt that after he had consented to the Dixon amendment he adopted the view that it did not alter the nature of his bill, which was from the beginning, as he then insisted, a repeal bill. While Douglas had in his measure declared for the principle of non-intervention in the Territories Dixon insisted that legislation was needed to make the declaration good. The fact that Douglas did not yield easily—though he did completely—may possibly be taken to indicate that he preferred to leave the matter indefinite, and even that he did not desire to seem to repeal the Missouri Compromise, since he had committed himself strongly to it. In his report he had said that the “committee are not prepared now to recommend a departure from the course pursued on that memorable occasion [the adoption of the compromise of 1850] either by affirming or repealing the Eighth section of the Missouri act, or by any act declaratory of the meaning of the Constitution in respect to the legal points in dispute.” In a very rhetorical and overstrained statement to Dixon,

Douglas pledged himself to incorporate the amendment in the bill. The country was greatly stirred, the people of the North having little doubt of the effect of the bill. It was felt that a good deal of management might be necessary to get it through the House, as proved to be the case. The administration seemed disposed to hold aloof, the President doubtless being fearful of disturbing the peace and repose that he had less than a year before pledged himself to maintain. But after a conference participated in by the President, Secretary of War Davis, and Senator Douglas, it was decided that the administration should throw its influence in support of the bill, which finally emerged in the form of two bills, for the organization of Kansas and Nebraska respectively. There was some question as to whether it should be declared that the Missouri Compromise was "superseded," or had become "inoperative." The latter word was decided on, and it was declared that the Missouri Compromise "being inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850 (commonly called the compromise measures), is hereby declared inoperative and void, it being the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their

own way, subject only to the Constitution of the United States." The bill passed the Senate by a vote of 29 to 12, on March 2, and on May 22 it passed the House, after a bitter controversy, by a vote of 113 to 110. The President signed it on May 30. It is often dangerous to accept the contemporary view of public men and their actions, but in this case it can hardly be denied that contemporary opinion, which was unfavorable to Douglas, was largely right. Douglas undoubtedly believed that there never would be slavery in either Kansas or Nebraska, but had he any warrant for thinking thus? This was not the opinion of the Southern men, for they notoriously expected to capture Kansas, as indeed they tried to do. There can be no denying the fact that the legislation gave slavery another chance, and that this was understood by the South. Senator Brown of Mississippi said in the course of the debate: "If I thought in voting for the bill as it now stands, I was conceding the right of the people in the Territory, during their Territorial existence, to exclude slavery, I would withhold my vote." The very division of the Territory into two States seemed to point to a purpose to recur to the old precedent of admitting slave States and free States in pairs. In 1850 Douglas had not been prepared to abandon the theory that the national government had supreme control over the Territories. It seems strange to-day that any

one at any time should have held any other theory. But Douglas was also on record in regard to the Missouri Compromise. Only four years before, when the compromise measures were under consideration, he had said that the Missouri Compromise was "canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb." There was then no suggestion from him, or any one else, that it had been repealed by the Clay compromise legislation. It was absurd to argue, as Douglas did, that the refusal of Congress to extend the Missouri restriction to territory to which it did not apply, and never had applied, was equivalent to a repeal of it as to territory to which it did apply. Congress had said that there should never be slavery in any part of the Louisiana purchase north of 36-30. That it had the power so to order could not be disputed. Nor could it be denied that Congress had a right to repeal the statute. But the point is that it was repealed by Congress in 1854, and not by the Congress of 1850 in enacting the compromise measures. Douglas argued that in adopting those measures, Congress had not merely settled an immediately pressing question, but had established a principle —namely, popular sovereignty. But Senator Chase and others showed very clearly that this was not the case. "What rights," he asked, "are precious if those secured to free labor and free laborers in

that vast territory are not?" There was no declaration of a general principle, but only the prescribing of conditions under which certain Territories should be organized. The men who refused to extend the Missouri Compromise to the Pacific when the effect would have been to increase the area of slave territory which was at the time free, could not be said to have favored the abrogation of the compromise when it guarded free territory. The Appeal of the Independent Democrats, which was given to the country just prior to the introduction of the Kansas-Nebraska bill, told the truth, though perhaps with unnecessary heat and fervor. It denounced the bill as "a gross violation of a sacred pledge; as a criminal betrayal of precious rights." "Not a man," the signers declared, "in Congress or out of Congress, in 1850, pretended that the compromise measures would repeal the Missouri prohibition. Mr. Douglas himself never advanced such a pretence until this session. His Nebraska bill, of last session, rejected it. It is a sheer afterthought. To declare the prohibition inoperative, may, indeed, have effect in law as a repeal, but it is a most discreditable way of reaching an object. Will the people permit their dearest interests to be thus made the mere hazards of a presidential game, and destroyed by false facts and false inferences?" Whether the last charge is true or not—and it is difficult either to prove or disprove, since it relates

to motive—it is beyond dispute that the theory of a conflict between the Missouri Compromise and that of 1850 was an “afterthought.” In the course of the debate Seward said, and with perfect truth, that not a representative from a non-slave-holding State would have voted for the compromise of 1850 if he had believed that it repealed the Missouri Compromise either directly or by implication. Certainly Henry Clay and Daniel Webster would not. It may be doubted whether Douglas himself would have done so, since he had at the time said that the Missouri legislation was “canonized in the hearts of the American people as a sacred thing, which no ruthless hand would ever be reckless enough to disturb.” Douglas further argued that neither the Ordinance of 1787 nor the Missouri restriction had kept slaves out of the territory supposed to be protected by them, and that therefore they were of no help to the North and no harm to the South. If that was so, why repeal the compromise? Why should the slavery people have demanded its repeal? If it was harmless there does not seem to be any reason why such a stir should have been made over it. The South did not take that view. Senator Atchison, proslavery senator from Missouri, said that he had always said that the first great error in our political history was the Ordinance of 1787 making the Northwest territory free, and the second was the Missouri Compromise. “But,” he

continued, "they are both irremediable. We must submit to them. I am prepared to do it. It is evident that the Missouri Compromise cannot be repealed." Those words were spoken in 1853. It is hardly necessary to summarize the arguments of Douglas—the statement of his points is sufficient.

Yet his speech closing the debate was admitted, even by those who had most strongly opposed him, to be a great one. He threw into it all his powers, speaking, one would think, as he could not have spoken had he not been sincere. His bill, he said, repealed both a guaranty and a prohibition, both of which were wrong in principle, unconstitutional, and opposed to sound principle. Yet it had taken thirty years to discover that a great statute, under which the country had lived, which most men had accepted as final, and which Douglas only four years before had said was "canonized in the hearts of the American people as sacred," and "which no ruthless hand would ever be reckless enough to disturb," was unconstitutional. Douglas, with a curious twist in logic, argued that the Missouri Compromise was a restriction on the liberties of the people of the North, since it forbade them to hold slaves, while it gave that right to the people of the South. "It was," he said, "a restriction which in terms and effect discriminated against the intelligence and capacity of the Northern people." What they looked on as a protection, and as a great charter of freedom,

Douglas construed as a denial of rights. "The legal effect of this bill," he continued, "is neither to legislate slavery into these Territories nor out of them, but to leave the people to do as they please. If they wish slavery they have a right to it. If they do not want it they will not have it, and you should not force it upon them." The bill did not indeed legislate slavery into the Territories, but it did legislate into them the possibility of slavery, from which they were under the compromise free. The Illinois senator throughout his speech made no distinction whatever between slavery and freedom, but treated them as equally entitled to consideration and protection. His speech is utterly without moral quality. Yet one cannot read it to-day without feeling its plausibility and being impressed by its power. Seward interrupted Douglas long enough to say: "I hope the senator will yield for a moment, because I have never had so much respect for him as I have to-night."

To this speech we may apply Macaulay's characterization of Boyle's answer to Bentley's demonstration of the spuriousness of the Epistles of Phalaris: "A most remarkable book it is, and often reminds us of Goldsmith's observation that the French would be the best cooks in the world if they had any butcher's meat, for that they can make ten dishes out of a nettle-top. It really deserves the praise, whatever that praise may be worth, of being the

best book ever written by any man on the wrong side of a question." Seward, Sumner, Wade, Chase, and Edward Everett all spoke, and spoke well. Everett showed with the greatest clearness that the principle of non-intervention on the part of Congress was not enacted by the legislation of 1850, and said that it was "a mere begging of the question to say that those compromise measures adopted in this specific case amount to such a general rule." Sumner welcomed the issue as one which, because it was moral, would now have to be faced. Old questions, he said, "have disappeared, leaving the ground to be occupied by a question grander far. The bank, subtreasury, the distribution of public lands, are each and all obsolete issues. And now, instead of these superseded questions, which were filled for the most part with the odor of the dollar, the country is directly summoned to consider face to face a cause which is connected with all that is divine in religion, with all that is pure and noble in morals, and with all that is truly practical and constitutional in politics. Unlike the other questions, it is not temporary or local in its character. It belongs to all times and to all countries. Though long kept in check, it now, by your introduction, confronts the people, demanding to be heard. To every man in the land it says, with clear, penetrating voice, 'Are you for freedom or are you for slavery?' And every man in the land must answer

the question when he votes." Here was a prophecy that was fulfilled to the letter.

There has been a disposition to soften somewhat the contemporary judgment of Douglas, which was that he was playing politics, and diligently seeking the presidency. Much has been made of his statement in a letter written in the preceding November in which he said: "I see many of the newspapers are holding me up as a candidate for the next presidency. I do not wish to occupy that position. I do not think I will be willing to have my name used. I think such a state of things will exist that I shall not desire the nomination. Yet I do not intend to do any act which will deprive me of the control of my own action. I shall remain entirely non-committal and hold myself at liberty to do whatever my duty to my principles and my friends may require when the time for action arrives. Our first duty is to the cause—the fate of individuals is of minor consequence. The party is in a distracted condition and it requires all our wisdom, prudence, and energy to consolidate its power and perpetuate its principles. Let us leave the presidency out of view for at least two years to come." But that is a very mild disclaimer, and may be considered merely as an expression of belief that it was too early to "launch his boom." Besides Douglas had been a candidate in 1852, an active and aggressive one. And he must have known

that his name would almost certainly be presented to the next convention, as indeed it was. He was not the man to do anything that he thought might injure him politically. Though he had undoubted personal courage, he was yet a politician. But could he have felt that he would be helped by the Kansas-Nebraska bill? Of this there can be little doubt, for he believed—and said so—that it would help solidify and strengthen his party, which he thought to be “in a distracted condition.” “We shall pass the Nebraska bill,” he wrote, “in both Houses by decisive majorities and the party will be stronger than ever, for it will be united upon principle.” That it would please the South he could not have doubted. He was equally sure that it would be “as popular at the North as at the South when its provisions and principles shall have been fully developed, and become well understood.” He relied wholly on the principle of popular sovereignty or local self-government. It had served him well in the past, and it was to serve him in the future. Those writing of past events and historic characters have a very natural distrust of contemporary testimony with reference to them. But that testimony has its strong as well as its weak points. Men who are parties to great controversies are usually violently partisan, and almost always prejudiced, and are quick to impute motives. The mere fact that they may not happen to like the one whom they judge

is a disturbing factor. Rarely are they capable of taking a broad view. It is well known that many such judgments have been reversed. Often memoirs or confidential correspondence come to light that put an entirely different face on the subject. But contemporaries, on the other hand, have a much more intimate knowledge of the movements of their time, and of the men who participated in them, and through their closer relationship and acquaintance with those men, are better able, except for their prejudice, to appraise them. The law furnishes a parallel. Appellate courts are very reluctant to disturb the verdict of a jury in a criminal case on the weight of evidence, holding that, as the jury had had the opportunity to observe the conduct and bearing of the prisoner and the witnesses, its conclusion is entitled to great respect. The parallel is not exact, but it makes the principle clear. The opinions of Douglas's associates, and of the people of his day, cannot be set aside. It was altogether unfavorable. When this judgment is affirmed by so competent a historian as Mr. Rhodes it must, it is to be feared, stand. Mr. Rhodes says: "The motives which actuate men who alter the current of their time are ever an interesting study; and in this case no confidential letters or conversations need be unearthed to arrive at a satisfactory explanation. We may use the expression of the Independent Democrats in Congress and say that the

dearest interests of the people were made 'the mere hazards of a presidential game'; or we may employ the words of John Van Buren, an astute politician who was in the secrets of the party, and ask, 'Could anything but a desire to buy the South at the presidential shambles dictate such an outrage?' And this true statement and the inference from the trenchant question explain the motives prompting Douglas to this action. Even those who were very friendly to the measure did not scruple openly to express this opinion. One wrote that Douglas had betrayed 'an indiscreet and hasty ambition'; another granted that the object of Douglas 'was to get the inside track in the South.' The defenses made by Douglas and his friends at the time and in succeeding years, when his political prospects depended upon the justification of his course, are shuffling and delusive. None are satisfactory, and it may with confidence be affirmed that the action of the Illinois senator was a bid for Southern support in the next Democratic convention. In truth Douglas might have used the words of Frederick the Great when he began the unjust war against Austria for the conquest of Silesia: 'Ambition, interest, the desire of making people talk about me, carried the day, and I decided' to renew the agitation of slavery." It should not be forgotten that the doctrine of popular sovereignty was brought forward by Douglas seven years before to save the

situation created in Illinois by his opposition to the Wilmot proviso. In both cases there was a personal interest involved. This is not to say that Douglas did not believe in the principle—since it was thoroughly Democratic—but that he went far in applying it when it was useful to him. He easily overcame his scruples when it came to voting aid to internal improvements. Nor need it be believed that he worked for or desired the extension of slavery, or deliberately planned to introduce slavery into the Northwest. What can be said is that he was indifferent to slavery, without any feeling of moral revolt against it, and that he was willing to run a great risk, and to wipe out the last legal restriction for political and personal reasons. The great motive that inspired Webster and Clay—a desire to save the Union—was not present in this case. The Union was in no danger, and there was no pretense that it was. President Pierce had in his inaugural congratulated the people only a few months before on the better feeling that prevailed throughout the nation. Douglas himself made no claim that there was any such necessity as that which was believed to have dictated the compromise of 1850. On the contrary he had professed to believe that the slavery question was a dead issue, and had said that he would never discuss it again. There was not even any demand for the legislation till Douglas created it. Instead of calming the strife it brought such a storm

on the country as it had never known before, and was never to know again except in the days of the Civil War. Two things, it is believed, have contributed to the toning down of the contemporary verdict. One is the natural disposition of historians to take the charitable and kindly view, which is much to their credit. And it is true, too, that Douglas fairly deserves some measure of protection against the extreme harshness of some of his critics, for he was an honest man and a patriot. In the second place, he did much to redeem his fame in the last years of his life, when he broke with his party on one of the issues that rose out of this very Kansas-Nebraska legislation, and by the vigor of his campaign as the candidate of the Union Democracy, contributed in no small degree to the election of Abraham Lincoln. It may be said of him as Macaulay said of Sir Robert Walpole: "It was only in matters of public moment that he . . . had recourse to compromise. In his contests for personal influence there was no timidity, no shrinking." When a man with presidential ambitions adopts a course that he has reason to believe will conciliate one section of the country, and, when understood, be popular in the other section, it does not seem unfair or unkind to say that personal motives influenced him to a considerable extent. He was not, as we have seen, above playing politics, but he did it boldly and as a master.

Douglas could hardly have been surprised at the fury roused by his bill. For he is reported by Dixon to have said when he agreed to accept the Dixon amendment: "The repeal, if we can effect it, will produce much stir and commotion in the free States of the Union for a season. I shall be assailed by demagogues and fanatics there, without stint or moderation. Every opprobrious epithet will be applied to me. I shall probably be hung in effigy in many places. It is more than probable that I may become permanently odious among those whose friendship and esteem I have heretofore possessed. This proceeding may end my political career. But, acting under the sense of duty which animates me, I am prepared to make the sacrifice." The prophecy was fulfilled to the letter. Benton, who has not received the honor that is his due as a man of independence and courage, spoke of the bill as "a bungling attempt to smuggle slavery into the territory, and throughout all the country, up to the Canadian line and out to the Rocky Mountains," and denounced the attempt as an outrage. He certainly, though a Southern man, a Democrat, and a slaveholder, spoke for the North. Mass-meetings were held everywhere to protest against what was characterized as a crime. A memorial signed by 3,000 New England clergymen protesting against the legislation as a breach of faith was presented to Congress. A similar protest, signed by 500 clergy-

men of the Northwest, was presented in the Senate by Douglas himself. Great meetings were held in New York and Boston and adopted resolutions condemning the bill and its author. The Whig papers, and many of the Democratic papers, were vigorous in their denunciations of it. In Illinois but one paper favored it. The five Chicago papers, one of which Douglas had helped to establish, were opposed to it. Legislatures all over the North adopted resolutions against the bill, that of Illinois being an exception, since it reluctantly, and under pressure, approved, though the affirmative vote in both branches was less than one-half the legislature. Sheahan was greatly outraged by the attitude of the clergymen, people, and papers of Chicago. He says: "He had no paper in Chicago to defend the bill or himself. He was exposed to constant warfare from all quarters, and had no means of defense. All the Chicago papers were open to condemn, none ventured a word in his behalf. It was his home; it was the great city of the Northwest. There, in preference to all other places, he needed defense, yet there he was left alone to meet the storm which falsehood, private and political malice, disappointed ambition and open knavery, were fast gathering to meet him on his return." It does not seem to have occurred to the amiable biographer that about the worst thing that can be said of a man is that there is no one in his home town to de-

fend him. Nor did he see that he was charging all the clergymen, all the people, and all the papers of Chicago with "falsehood, private and political malice, disappointed ambition and open knavery" in order to exculpate a man who could find no one to take his part. "Traitor," "Benedict Arnold," "Judas," were among the mildest epithets hurled at him. In one Ohio town he was presented with thirty pieces of silver. When he returned to Chicago he announced that on September 1 he would address the people. Flags were hung at half-mast on the shipping, bells were tolled as the hour for the meeting approached. When Douglas appeared on the platform he faced an angry audience which greeted him with hisses. In spite of his utmost efforts he could not get a hearing, and after a two hours' struggle he gave it up. It has been said that the opposition was organized, but there was no need for organization. Wherever Douglas went in the State in his canvass—an election for congressmen and State Treasurer being on—he was treated in much the same fashion. "Burning effigies," says Sheahan, "effigies suspended by ropes, banners with all the vulgar mottoes and inscriptions that passion and prejudice could suggest, were displayed at various points."

All this was not a mere outburst of wrath against one man, or of opposition to an act of Congress—it was rather the awakening of the North. It had

become clear to all men—as it had been to the abolitionists and Free-Soilers for years—that the policy of compromise and concession would no longer serve. This was the view of Benton, who said that henceforth it would be necessary to oppose the extension of slavery by every constitutional means, and declared that it was an outrage to propose to extend the domain of slavery by repealing all that part of a compromise measure that worked against it, after the South had had all the advantage of such parts of the law as worked in its favor. “We have never known,” said the Richmond *Whig*, “such unanimity of sentiment at the North upon any question affecting the rights of the South as now prevails in opposition to the Missouri Compromise repeal.” The Springfield *Republican*, which had been exceedingly moderate and conservative in its tone, and had stood by Webster even after the Seventh of March Speech, and had welcomed the compromise measures of 1850, said: “The North had acquiesced in these compromises; it sustained and abided by them. But the South and its Northern political allies have broken the peace of the country. They make fresh and monstrous demands. These demands will arouse the whole nation; they will widen and deepen the antislavery feeling of the country as no other conceivable proposition could. The signs are unmistakable. No mere party or faction will array itself against this Nebraska scheme. The whole people

are against it. The moral force of the North—the influence, the learning, the wealth, and the votes of the North—are against it, and will make themselves effectively heard ere the agitation, now re-opened by the insanity of the slaveholding interest, and in behalf of the schemes of ambitious partisans, shall have ceased. The South and its allies have sown the wind—will they not reap the whirlwind?"

The utterances of Southerners in defense of the Kansas-Nebraska bill served to strengthen the North in its opinion that the whole campaign was one for the extension of slavery. Doubtless injustice was done to Douglas, for it would be hard to prove that he had any such purpose. But there can be no doubt as to the aim of the slavery men. Though they distrusted Douglas, and were somewhat slow in comprehending the benefits that would come to them as a result of his bill, they were not long in accepting it as wholly in their interest. "The South," said a South Carolina newspaper, "are united for a removal of the Missouri restriction." There were men in the Southern States who thought, not only that slavery was a blessing, but that freedom unmixed with servitude was an evil. In discussing the railroad riots at Erie in 1853, Representative Boyce of South Carolina, addressing the Northern members, said: "It is one of the misfortunes to which you are exposed by having your whole population made up of freemen." "At the

North and in Western Europe," said the Richmond *Enquirer*, "by attempting to dispense with a natural and necessary and hitherto universal institution of society, you have thrown everything into confusion. In dispensing with domestic slavery you have destroyed order, and removed the strongest argument to prove the existence of Deity, the author of that order. They inculcate competition as the life of trade and essence of morality. The good order, the peace, the protection and affectionate relations of society at the South, induce the belief in a designer and author of this order, and thus 'lift the soul from nature up to nature's God.' The chaotic confusion of free society has the opposite effect." Another Richmond paper said: "But the worst of all these abominations is the modern system of free schools, because the cause and prolific source of the infidelities and treasons that have turned her cities into Sodoms and Gomorrahs, and her land into the common nesting-places of howling Bedlamites." All of which reads very much like the outgivings of the Pan-Germanists in glorification of Teutonic *kultur*. The battle was between two types of culture, with the Southern type, as it had been for years, on the aggressive. When men began to talk of human slavery as necessary to the preservation of order, and to denounce the free schools, it certainly is not surprising that the lovers of freedom should have taken alarm. But Douglas had established his

great principle of popular sovereignty, and it soon became necessary to find a sovereign in Kansas to exercise the conferred power. But before we come to that something should be said of the immediate effect of the action of Congress, under Douglas's leadership, on politics. The Whig party was in a moribund condition, and party lines generally were disrupted. Many of its members drifted into the American or Know-Nothing party, since there did not seem to be any other place to go. The anti-foreign and anti-Catholic principles of the Know-Nothings were fiercely denounced by Douglas and many others. Gradually the friends of freedom came together—Whigs, Free-Soilers, Anti-Administration Democrats and Americans—into what was known as the Anti-Nebraska party. This party in Michigan on July 6, 1854, christened itself the Republican party, and this name was adopted a week later by the Anti-Nebraska people in Ohio and Wisconsin. The Germans of the Northwest deserted the Democratic party in large numbers. There was in the elections of 1854 no effective opposition party, and the people had to find as best they could a means of expressing their opinion. Douglas had, however, done much to consolidate the opposition, for, as the *New York Times* said, "the repeal of the Missouri Compromise has done more than any event of the last ten years to strengthen antislavery sentiment in the free States." The Illinois senator plunged into the cam-

paign of 1854 in Illinois with his usual vigor. Lyman Trumbull, an old Democrat, was the Anti-Nebraska leader. The election was of special importance since the new legislature would be called on to choose a successor to Senator Shields, whose term was about to expire. Of course the question of vindicating Douglas was involved.

The legislature had been heavily Democratic, and it was felt that if the hold-overs continued to be Democrats, there would be little difficulty in securing the re-election of Senator Shields. The speaking campaign of Douglas lasted for two months. On October 3 he met Lincoln in joint debate in Springfield. Lincoln had lost his interest in politics till the repeal of the Missouri Compromise, so Douglas was responsible for bringing him back into political life. The Democrats, though they elected their candidate for State Treasurer by a greatly reduced plurality—2,915 as against more than 15,000 for Pierce two years before—lost the legislature, and the United States senatorship. When the legislature met in January, it was found that it was controlled by the Fusion forces. It was suggested that Shields withdraw, the assumption being that he was objectionable because of his Irish birth. That also was Douglas's theory as to the result of the election, but he refused to consider the question of withdrawal. "Our friends," he said, "should stand by Shields and throw the responsibility on the Whigs of beating

him because he was born in Ireland. The Nebraska fight is over, and Know-Nothingism has taken its place as the chief issue in the future. If therefore Shields shall be beaten it will be apparent to the people and to the whole country that a gallant soldier and faithful public servant has been stricken down because of the place of his birth." But the Nebraska fight was not over; it was only beginning. Douglas would have been glad to change the issue, but he could not do so. It lasted till the firing on Fort Sumter. Shields was beaten. On the first ballot he received 41 votes, 3 other Democratic votes being cast for as many other candidates; Lincoln received 45 votes, and Lyman Trumbull 5, with 5 scattering. The Anti-Nebraska vote was 55, and the Democratic vote 44. On the tenth ballot Trumbull was elected, receiving 51 votes. The congressional delegation which had consisted of five Democrats and four Whigs was, as a result of the election, changed into one consisting of four Democrats and five Anti-Nebraska men. The Democrats were returned by reduced pluralities. In the Sixth district, however, in which Douglas made his strongest fight, his friend Harris was elected over Yates. The result was certainly not encouraging to the Democrats. Even Douglas, optimistic as he was, admitted that "the heavens were partially overcast." The attempt to explain the defeat as due to Know-Nothingism was not successful,

as every one knew that the real issue was the Nebraska bill. This was made clear by the general result, even in districts and States where there was a large foreign population. Out of the 42 men of the North who had voted for the Kansas-Nebraska bill only 7 were re-elected. In the House of Representatives the Democratic representation shrank from 159 to 79, and the Democratic majority of 84 over all became a Democratic minority of 75. There is no other construction to put upon the result than that it was a tremendous rebuke to the national administration and to Douglas. The Fusionists carried Indiana, Ohio, and Michigan by very large majorities. Maine, Rhode Island, New York, Pennsylvania, and Iowa, all of which had given Pierce majorities in 1852, were lost to the Democrats. Clearly the immediate result of the Douglas policy was not to strengthen his party. Nor was that its ultimate result, although it won another national election. He had met defeat for the first time in his life, even his own State, which he had apparently held in the hollow of his hand, having turned against him. But he faced it bravely, never for one moment weakening, never giving up the fight. Not only had his party lost political power as a result of the revulsion of feeling; it had raised up a permanent opposition to itself that could be neither quelled nor cajoled. Northern men who formerly repudiated with indignation the charge

that they were abolitionists were beginning to get at least a glimmer of the truth that there could be no peace or assured unity till slavery was wiped out. And everything that happened during the next six years strengthened that opinion, and for much of what happened Douglas was responsible. The Kansas Civil War—for it amounted to that—the Dred Scott decision, the Lecompton Constitution which forced Douglas himself into the opposition, the John Brown raid, and the growth of the Republican party, were all acts in the great drama which ended only with Appomattox—and hardly then. Something of the sentiment of the abolitionists was permeating the whole body of the Northern people. Douglas was either unable to realize this, or unwilling to admit it. He said that the whole trouble was caused by the abolitionists, but he did not see that even if there were no more abolitionists than there had been, there was a good deal more abolitionism. Men did not believe that it was necessary to choose between the Union and freedom, but they had pretty well made up their minds that the time had come for a choice between freedom and slavery.

When, therefore, they were told that in getting one compromise they had bartered away another—and an infinitely more important one—they naturally were alarmed. Sumner was entirely right when he said that the Kansas-Nebraska bill “is at once the

worst and the best bill on which Congress ever acted. It is the worst bill, inasmuch as it is a present victory of slavery. . . . It is the best bill, . . . for it prepares the way for that 'All hail hereafter,' when slavery must disappear. It annuls all past compromises, and makes all future compromises impossible. Thus it puts freedom and slavery face to face, and bids them grapple. Who can doubt the result?"

The country had not been without its prophets, but now every one was beginning to prophesy. The new note is easily discernible. But Douglas was deaf to it. He was angered rather than enlightened. It was plain that he had utterly misread the prevailing opinion, and now he misinterpreted the defeat that had come to him and his party. When twitted on the subject by his victorious enemies, he said: "The fact is, and the gentleman knows it, that in the free States there has been an alliance, I will not say whether holy or unholy, at the recent elections. In that alliance they had a crucible into which they poured abolitionism, Maine liquor-lawism, and what there was left of Northern Whigism, and then the Protestant feeling against the Catholic, and the native feeling against the foreigner. All these elements were melted down in that crucible, and the result was what was called the Fusion party." He was specially bitter toward Trumbull, the newly elected senator from Illinois,

whom he regarded as a renegade. "When he was elected," Douglas said, "he received every abolition vote in the legislature of Illinois. He received every Know-Nothing vote in the legislature of Illinois. So far as I am advised and believe, he received no vote except from persons allied to abolitionism or Know-Nothingism. He came here as the Know-Nothing-Abolition candidate, in opposition to the united Democracy of the State, and to the Democratic candidate." Amid the shifting of the foundations of political power Douglas could see only the triumph of a conspiracy engineered by shrewd and unscrupulous political leaders. Many men far more removed from greatness than he was were far less blind. He was almost wholly lacking in imagination, and knew little history except that of his own country. He had all the limitations of the practical man, of the politician absorbed in the immediate task. Such men are, and always have been, pitifully helpless in those days when the universe seems to be changing front. Nevertheless, it would be doing him a grave injustice to put him in that class. For something more than political shrewdness was necessary to enable him to recover from the blow—for recover he did. Even in these dark days he was recognized as the leader of the Democratic party, and he retained the leadership of the Northern wing of it to the last. Mr. Rhodes says, and with perfect truth: "Douglas had the quality

of attaching men to him; he was especially fond of young men, and they repaid his complaisance by devotion. No American statesman but Clay ever had such a personal following. . . . Since Andrew Jackson, no man has possessed the influence, received the confidence, or had the support that it was the lot of Douglas to enjoy from the Democrats in the Northern half of the Union. From 1854 to 1858 he was the centre of the political history of the country; from 1858 to 1860 he was the best-known man in the United States; but after the contest with Lincoln in 1858 it became apparent that the 'Little Giant' had met his match in that other son of Illinois." Of no man who did not have many of the elements of greatness could such words be truthfully spoken, and they are true in this case. But, nevertheless, he was dwelling in the past, at least the past of 1850. He got out of step with the march of events, lost touch with the movements of the time. Nothing showed it better than the changed attitude toward the fugitive-slave law. The people had almost become reconciled to it, or at least resigned, for they believed that slavery was in process of extinction. There had, as we have seen, been troubles attending its enforcement, but these were not serious, and had roused no great feeling at the North. The attempted rescue of the fugitive Burns in Boston, while the Kansas-Nebraska bill was being driven through Congress by Douglas,

revealed the situation in its true light. The leading citizens of Boston—Theodore Parker, Wendell Phillips, and Thomas Wentworth Higginson (who was wounded in an assault on the prison)—were the leaders. When the fugitive was awarded to his owner he was marched to the ship that was to take him south under the guard of the city police, twenty-two companies of the Massachusetts national guard, a company of cavalry, a United States artillery battalion, one platoon of United States marines, a civil posse of 125 men specially guarding the fugitive, a field-piece and two platoons of marines guarding it. Fifty thousand people witnessed the march and greeted it with hisses and groans. The cost of recovering Burns is said to have been, according to different authorities, between \$40,000 and \$100,000. The whole city was in an uproar. As has been said the mob—if it may be called that—was made up of the leading citizens, while the marshal's deputies were drawn from the lowest classes. The Richmond *Enquirer* said: "We rejoice at the recapture of Burns, but a few more such victories and the South is undone." Burns was the last fugitive slave removed from Massachusetts. The legislature later passed a personal liberty act which was in direct conflict with the fugitive-slave law. Another case arose in Wisconsin, in which a man was arrested and charged with having been party to the rescue of a fugitive—as he was. An associate

justice of the State Supreme Court discharged him in habeas-corpus proceedings, holding that the fugitive-slave law was unconstitutional. This judgment was subsequently affirmed by the entire bench. In Massachusetts a judge was removed by the governor for enforcing the law; in Wisconsin the highest tribunal of the State declared the law unconstitutional. Surely there could, after these happenings, be no mistake as to the temper of the people. They felt that they had been betrayed, that the repeal of the Missouri Compromise by the Kansas-Nebraska bill was an altering of the terms of the bargain they had made in the interest of peace and union.

## CHAPTER X

### WAR IN KANSAS

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THERE was, of course, no hope for such a party as the Know-Nothing party. It began to go to pieces, indeed, shortly after the elections of 1854. Douglas was merciless in his assaults on it, challenged its principles even in localities where they were most strongly held, and denounced those who would proscribe a man because he happened to be born abroad or to be a member of the Roman Catholic Church. Here he took high and strong ground. It was not with him a question of winning the Irish vote or the German vote, but of true Americanism. Nor can there be any doubt that his attitude had much to do with maintaining unity at the North, and commanding to its new citizens their government in its true light. Undoubtedly the Know-Nothing party served as a refuge for many men who could find nowhere else to go, and was used as a means for making effective the opposition to the Kansas-Nebraska policy and the party that was responsible for it.

Congress met December 4, 1854, the last session of the Thirty-first Congress. In the President's message there was no reference to slavery, or to

the Kansas-Nebraska question, though there was a hinting at them in the following pious generalities: "We have to maintain inviolate the great doctrine of the inherent right of popular self-government; to reconcile the largest liberty of the individual citizen with complete security of public order; to render cheerful obedience to the laws of the land, to unite in enforcing their execution, and to frown indignantly on all combinations to resist them." The problem of finding a sovereign in Kansas was rapidly taking shape. Prior to the passage of the Kansas-Nebraska bill there was not one white man lawfully in the vast territory. There was no trouble about Nebraska, since every one admitted that it would be a free State. That there was trouble over Kansas—and of the gravest sort—was due to the fact that an effort was made—and vigorously resisted—to make it a slave State. Douglas had conferred popular sovereignty on a territory in which there was not one person legally qualified to exercise it. All other laws had provided that only actual residents, otherwise qualified, at the time of the passage of the laws, should vote. The present law simply demanded actual residence. It did not define what residence was, or when it should date from. It was impossible to make a qualification of residence at the time of the passage of the law, for there were at that time no residents in Kansas. Thus at the very outset was laid the basis for dis-

pute and contention. Apparently any one who came to Kansas after the passage of the law could vote. So the struggle that had been raging throughout the country was transferred to the prairies of Kansas. The battle that had been fought between the North and the South over the enforcement of the fugitive-slave law was now to be fought by men with arms in their hands. The intellectually and morally hostile elements were at last brought into violent contact, the conflicting currents were to come into collision.

It is to-day hard to see how anything else could have been looked for, except on the theory that the North was not in earnest, or that, if it was, it would yield, as it had so often done before. All Douglas's eloquent talk about popular sovereignty as applicable in this case must have sounded very hollow to all who realized that the sovereignty was to be conferred on a vacuum. Douglas's idea was that the country would soon fill up when it was known that it was to have an organized government. Here he was right. It is said that ten or fifteen thousand people of Missouri waited on the border for the opening of the territory, though there was some disappointment in the South over the number of bona fide settlers from Missouri. However, bona fide settlers were not needed to control Kansas in the interest of slavery. In July, 1854, the Emigrant Aid Society of New England,

organized by Eli Thayer, sent its first party to Kansas, the avowed object of the society being to make Kansas a free State. There was a large exodus from Illinois, Indiana, and Iowa. From Kentucky a company of seventy went out, provided with every convenience, including several ready-made houses, the members paying all their own expenses, and all being free-State men. These latter, before they left home, framed a Constitution and by-laws to which they severally subscribed. Thayer, it should be said, was, like Douglas, a believer in popular sovereignty. He was also sure that the cause of freedom would win in Kansas. Emigration, except from Missouri, was mostly from the free States, and it swelled rapidly. The census of February, 1855, gave Kansas a population of 8,600, of whom 196 were slaves.

As we annexed a war when we annexed Texas, we made war sovereign when we decreed popular sovereignty for Kansas. The South had assumed that the State would be a slave State, while the North had resolved that it should not be. The issue was vital to the slaveholding interest, at least that was the opinion of the slavery leaders. The Missourians were moving into the State, and organizing themselves into Blue Lodges, secret organizations the purpose of which was to extend slavery into the new State. This was in October, 1854. But this was not the first attempt to organize the

sovereignty of the State. The New England Emigrant-Aid Company had been formed in July. On June 20, nineteen days after the opening of the territory, the "Platte County Self-Defensive Association" assembled at Weston, and declared that "when called upon by any citizen of Kansas, its members would hold themselves in readiness to assist in removing any and all emigrants who should go there under the aid of Northern emigrant societies"—a pledge that these men afterward attempted to make good. It was not till October that the new Governor, Andrew H. Reeder, reached the territory. He was, of course, appointed by President Pierce, and a thorough believer in Douglas's popular sovereignty—and a proslavery man. That he was a man of character and ability, and disposed to be fair, is generally agreed. The governor called an election for territorial delegate for November 29. Seventeen hundred and twenty-nine Missourians came across the line to vote, though their votes were not needed, since their candidate, Whitfield, would have been elected without them, the free-State people taking little interest in the election. The delegate was seated without any objection. But the battle was only postponed. The antislavery men made no move till the time came for electing a territorial legislature, March 30, 1855. Every effort was made by the governor to guard against fraud or violence, and to secure an honest declaration of the will of

the people. But the task was beyond his powers. Here the issue was directly presented, for it was through the legislature that the boon of popular sovereignty, that Douglas had conferred on the territory, would be exercised. Three-fourths of the vote was cast by organized and armed invaders from Missouri. The election judges were mostly proslavery men. Those who were not were either awed by the mob, or driven away from the polls. It is not necessary to go into detail in regard to the frauds and outrages, but it is important that the reader should have a picture of popular sovereignty in Kansas. Governor Reeder knew, and said, that the election was illegal. Mr. Rhodes says : "The scene in the executive chamber when the governor canvassed the returns was an apt illustration of the result of the Douglas doctrine, when put in force by a rude people in a new country, and when a question had to be decided over which the passions of men were excited to an intense degree. The thirty-nine members who, on the face of the returns, were elected were seated on one side of the room, the Governor and fourteen friends on the other. All were armed to the teeth. Reeder's pistols, cocked, lay on the table by the side of the papers relating to the elections. Protests of fraud were received from only seven districts. Although the Governor did not assume to throw out members on account of force and fraud, he did set aside,

on technicalities, the elections in those districts and ordered new elections. To the others he issued certificates, so that the proslavery party was largely in the ascendancy in the legislature." Such was popular sovereignty in Kansas. The North and South divided over the question, each maintaining that the representatives of the other were the aggressors. Into that matter it is not necessary to go, further than to say that the Northern men stood for freedom. There were acts of violence on both sides, and many innocent people suffered. The attempts to make the Emigrant-Aid Society the justification for the lawlessness of the Missourians, in which the President joined, were certainly not impressive. The President subsequently endeavored to persuade Reeder to resign, and failing in this, removed him.

But Kansas was before long to have two sovereigns. The proslavery legislature met at Pawnee, the place designated by the Governor, in July, 1855, and at once adjourned to Shawnee Mission. It enacted a code of laws that would have disgraced a community of savages. In order to insure the slavery of the blacks they imposed slavery on the whites. The laws filled a volume of 823 pages. The death penalty was provided for all raising or assisting to raise "an insurrection of slaves, free negroes or mulattoes," and also for any person who by speaking, writing, printing, or circulating any book,

paper, magazine, or circular for the purpose of stirring up insurrection among the slaves, free blacks, or mulattoes. For enticing a slave to run away, or harboring a slave the penalty was death or ten years' imprisonment. One who refused to become a slave-catcher was to be fined in the sum of \$500. Even to declare, whether orally or in writing, that slavery did not legally exist in Kansas subjected the citizen to imprisonment for not less than two years. No man might hold office or practise in the courts unless he took an oath to support the fugitive-slave law. It was unlawful even to deny the right to hold slaves. No man could sit on a jury in a case under the fugitive-slave law who was conscientiously opposed to holding slaves, or who would not admit that it was right. Nor could any one vote who refused to take an oath to sustain the fugitive-slave law—a clear disfranchisement of the Eastern immigrants. Such was popular sovereignty. It was nothing more than government by a minority, as subsequent events were to prove. The free-State people, to whom former Governor Reeder had joined himself, held a constitutional convention at Topeka, October 23, 1855. Though nineteen of the thirty-four delegates were Democrats, and a majority favored the Douglas policy, the convention adopted a Constitution prohibiting slavery, and provided for its submission to the people. The proslavery legislature was repudiated; Charles Robinson, leader of the

free-State movement, was elected governor; and former Governor Reeder was chosen as delegate to Congress. Kansas was now blessed with two governments, and two sovereigns. On December 16 the Topeka Constitution was ratified by the people by a vote of 1,731 to 46. On January 15, 1856, there was an election at which Robinson was chosen for governor, and a legislature was elected. But prior to that there had been actual war. The slavery men found a pretext for attacking Lawrence, the headquarters of the Emigrant-Aid Company. A free-State man had been murdered by a slavery man, and the friends of the former sought revenge. One of those said to have been loudest in his threats was arrested by a proslavery sheriff. The man was rescued by his friends, who were heavily armed, without resistance on the part of the sheriff. Here was the chance that had been looked for. The sheriff summoned help from Missouri, and a column of 1,500 invaders marched on Lawrence. But the people were prepared, and armed with rifles sent from Boston. They acted strictly on the defensive, and finally the Missourians withdrew, one free-State man having been killed. Several buildings were burned, and there was some pillage. The new Governor, Shannon—a proslavery man—acted as mediator, and the result was a treaty that deprived the invaders of all legal standing. But there were many affrays. When a proslavery man was killed, his

death was avenged by such organizations as the Kickapoo rangers. Popular sovereignty had developed from rule of the minority into, first, a dual government, and, second, civil war. Such was the situation which Congress faced when it met on December 3, 1855, with a presidential election looming in the immediate foreground. It looked very much as though Congress would, after all, have to decide who or what was sovereign in Kansas, in what organization sovereignty was lodged. The country was more excited than it had ever been. Never were the two parties more determined. Each had seen that violence was possible, for they had seen that in Kansas it was actual. The Douglas plan had been bad for the nation, for Congress, for the Democratic party. It did not bring on the Civil War, but it certainly hastened its coming.

Of course one of the effects was to bring Douglas again into the arena. Congress, which met in December, 1855, went through a preliminary fight over the speakership, the details of which have no relation to the present subject. There were no clear-cut party divisions in the House. Probably our government approximated the group system more nearly than at any other time in its history. Richardson, the man through whom Douglas had worked in the House to put through the Kansas-Nebraska bill, was the Democratic candidate. Gradually the anti-Nebraska men concentrated on Nathaniel

P. Banks, of Massachusetts, a Democrat who had opposed Douglas's bill, and had been re-elected as a Know-Nothing. Only shortly before he went over to the Republican party. He favored congressional prohibition of slavery in the Territories, and the re-enactment of the Missouri Compromise. The struggle lasted for two months, and finally on February 2, 1856, Banks was elected. The result was a clear victory for freedom. It also made plain the issue on which the new Republican party would go to the country. After waiting three weeks for the House to organize, President Pierce sent in his message on the last day of the year. Mr. Pierce's academic discussion of the slavery question is without interest to-day, except that it showed that he was drifting more and more to the Southern side. Its temper is sufficiently indicated by one extract: "It has been a matter of painful regret to see States conspicuous for their services in founding this republic and equally sharing its advantages disregard their constitutional obligations to it. Although conscious of their inability to heal admitted and palpable social evils of their own, and which are completely within their jurisdiction, they engage in the offensive and hopeless undertaking of reforming the domestic institutions of other States, wholly beyond their control. In the vain pursuit of ends by them entirely unattainable, and which they may not legally attempt to compass, they peril the very

existence of the Constitution and all the countless benefits which it has conferred. While the people of the Southern States confine their attention to their own affairs, not presuming officially to intermeddle with the social institutions of the Northern States, too many of the inhabitants of the latter are permanently organized in associations to inflict injury on the former by wrongful acts, which would be cause of war as between foreign powers and only fail to be such in our system because perpetrated under cover of the Union." Yet for years it had been plain that the South could maintain its "domestic institutions" only by spreading them to new territory, and by forcing the North to recognize property in slaves that came under their jurisdiction. Only a few months before several thousand Missourians had attempted by force, not to maintain "the domestic institutions" of Missouri, but to extend them to Kansas. But the President was already, to all intents and purposes, proslavery. He commended strongly the Kansas-Nebraska legislation. It was plain that Douglas was to have the full backing of the administration. Three weeks later Mr. Pierce reviewed the events in Kansas in a special message, and recognized the legislature elected by the Missourians, which had enacted the slave code, as regular and legal, on the ground that it was impossible to go behind the returns. The Topeka convention was held to be illegal. Undoubtedly

regularity was with the legislature and the governor. But little was gained by affirming the proposition, since it was clear that the people of Kansas would not fail to resist attempts to fasten slavery on them. It might be true, as the President said in his December message, that the Kansas-Nebraska bill "was the final consummation and complete recognition of the principle that no portion of the United States shall undertake through the assumption of the powers of the general government to dictate the social institutions of any other portions," but it is quite as true that the people of the North, and the majority of the people of Kansas believed that Congress had the power to prohibit slavery in the Territories, and that it was a power that should be exercised. Even Douglas himself had said during the debate of the compromise measures of 1850: "I am not, therefore, prepared to say that under the Constitution we have not the power to pass laws excluding negro slaves from the Territories," though he added that it was his belief that "the whole subject should be left to the people of the Territories." This right, he thought, should be "conceded to the Territories the moment they have governments and legislatures established for them." It is hard to see how there could be any question of the power. As to conceding sovereignty to them after the people had established a government, it was conceded to Kansas before it had either government or inhabitants.

The question still was as to the wisdom of Douglas's plan. The President closed his message by recommending that a bill be passed "providing that when the inhabitants of Kansas may desire it and shall be of sufficient number to constitute a State, a convention of delegates, duly elected by the qualified voters, shall assemble to frame a Constitution, and thus to prepare through regular and lawful means for its admission into the Union as a State." It never occurred to the President that he could have set aside both the constitutional convention and the fraudulent legislature, and have used the power in his hands to see that the will of the people was honestly expressed. Indeed, he disclaimed the right to use any such power. No power, apparently, was constitutional that might interfere with the plans and purposes of the slavery leaders, with Jefferson Davis, who was in the complete confidence of the President, at their head.

Douglas, just recovering from a protracted illness, did not reach Washington till after the President's special message had been sent in, but when he came he took full charge of the situation. But before he acted, the President issued a proclamation in regard to Kansas, calling on the people to maintain order and obey the law, and putting the military force of the government at the disposal of Governor Shannon, though he was not to use it unless necessary to maintain the peace and enforce the law.

The people of the South and the Northern Democrats were greatly pleased by the proclamation. The House had resolved by a close vote that the Missouri Compromise should be restored. The House also voted, one week after Douglas made his report, to send a committee of three to Kansas to look into the trouble, and especially to investigate election frauds. By this time it was sufficiently evident that the whole subject would figure largely in the presidential campaign. The Douglas report was made on March 12. It is hardly more than an amplification of the President's messages. There is one point in it, however, that is of special interest, since the question came up again in connection with the discussion as to the relation of the Philippines to this government. It involves the construction of the clause of the Constitution which provides that "Congress shall have power to dispose of and make all needful rules and regulations respecting territory or other property belonging to the United States." "The language of this clause," Douglas said in his report, "is much more appropriate when applied to property than to persons. It would seem to have been employed for the purpose of conferring upon Congress the power of disposing of the public lands and *other property belonging to the United States*, and to make all needful rules and regulations for that purpose, rather than to govern the people who might purchase those lands from the United States

and become residents thereon. The word 'territory' was an appropriate expression to designate that large area of public lands of which the United States had become the owner by virtue of the Revolution, and the cession by the several States. The additional words, 'or other property belonging to the United States,' clearly show that the word 'territory' was used in its ordinary geographical sense to designate the public domain, and not as descriptive of the whole body of the people, constituting a distinct political community, who have no representation in Congress, and consequently no voice in making the laws upon which all their rights and liberties would depend, if it were conceded that Congress had the general and unlimited power to make 'all needful rules and regulations concerning' their internal affairs and domestic concerns. . . . In view of these considerations, your committee are not prepared to affirm that Congress derives authority to institute governments for the people of the Territories from that clause of the Constitution which confers the right to make needful rules and regulations concerning the territory or other property of the United States. . . . Is not the organization of a territory eminently necessary and proper as a means of enabling the people thereof to form and mould their local and domestic institutions, and establish a state government under the authority of the Constitution, preparatory to its admission

into the Union? If so, the right of Congress to pass the organic act for the temporary government is clearly included in the provision which authorizes the admission of new States. . . . The organic act of the territory, deriving its validity from the power of Congress to admit new States, must contain no provision or restriction which would destroy or impair the equality of the proposd State with the original States, or impose any limitation upon its sovereignty which the Constitution has not placed on all the States," but "must leave the people entirely free to form and regulate their domestic institutions and internal concerns in their own way, subject only to the Constitution of the United States, to the end that when they attain the requisite population, and establish a State government in conformity with the Constitution, they may be admitted to the Union on an equal footing with the original States in all respects whatsoever"—that is, with an equal right to hold slaves.

Thus Douglas traced his popular sovereignty to the Constitution itself. He amplified somewhat the President's theory that "while all the States of the Union are united in one for certain purposes, yet each State, in respect to everything which affects its domestic policy and internal concerns, stands in the relation of a foreign power to every other State." To such an extreme view had Douglas been forced. His report upheld the governor and

legislature of Kansas, not only on the ground of regularity, but also on the ground that the emigrants from New England had been at least as guilty as the other party. Indeed, he traced most of the trouble to the Emigrant-Aid Company, whose members were denounced as revolutionists. "If these unfortunate troubles," the words are from the report, "have resulted as a natural consequence from unauthorized and improper schemes of foreign interference with the internal affairs and domestic concerns of the territory, it is apparent that the remedy must be sought in a strict adherence to the principles and rigid enforcement of the organic law." The President's discussion of the subject was commended, and leave was asked to report a bill in accordance with his suggestion, providing for the admission of Kansas as a State with such Constitution as it might see fit to adopt, when she should have a population of 93,420 inhabitants. It seems strange that men to-day should have argued at such length over such subjects. Douglas was yet to find his sovereign in Kansas. Indeed, he came perilously near admitting that there was none when he said in his report: "The sovereignty of a territory remains in abeyance, suspended in the United States, in trust for the people, until they shall be admitted into the Union." If that was true, was not the sovereignty, after all, in Congress, even though it held it in trust? This report was signed by four members of the com-

mittee; but there was a minority report signed by Senator Collamer of Vermont. This upheld the Topeka convention, and demanded the repeal of the Kansas-Nebraska act. If Congress should be unwilling to do this, it should "declare all action by the spurious foreign legislative assembly utterly inoperative and void, and direct a reorganization, providing proper safeguards for legal voting and against foreign force." It was suggested also that Kansas might be admitted as a free State under the Topeka Constitution. After the reports were read Senator Sumner declared that "in the majority report the true issue is smothered; in that of the minority, the true issue stands forth as a pillar of fire to guide the country." Douglas argued as a lawyer pledged to maintain a theory, and was utterly untouched by the moral issues. Even yet he did not appreciate the intensity of the popular feeling on the subject. It was fitting that Sumner should speak a word in defense of the Emigrant-Aid Company which had, by the President and Douglas, been ranked in the moral scale below the Border Ruffians from Missouri. Douglas spoke on his bill March 20, and his speech is admitted by all to have been a great one, and certainly it made a profound impression. Yet he travelled over old and familiar ground, advancing no new arguments. What he said was exactly in line with his report. The best comment on it is that of Har-

riet Beecher Stowe, who heard it from the Senate gallery. Admitting its power, and the power of the man, Mrs. Stowe said: "His forte in debating is his power of mystifying the point. With the most offhand assured airs in the world, and a certain appearance of honest superiority, like one who has a regard for you and wishes to set you right on one or two little matters, he proceeds to set up some little point which is *not* that in question, but only a family connection of it, and this point he attacks with the very best of logic and language; he charges upon it horse, foot, and dragoons, runs it down, tramples it in the dust, and then turns upon you with—'Sir, there is your argument! Did not I tell you so? You see it is all stuff'; and if you have allowed yourself to be dazzled by his quickness as to forget that the touted point is not, after all, the point in question, you suppose all is over with it. He contrives to mingle up so many stinging allusions to so many piquant personalities that by the time he has done his mystification a dozen others are ready to spring on their feet to repel some direct or indirect attack, all equally wide of the point. His speeches, instead of being like an arrow sent at the mark, resemble rather a bomb which hits nothing in particular, but bursts and sends red-hot nails in every direction." That is a very shrewd and very true characterization of Douglas's method. In this case, for instance, it was Douglas's theory

of popular sovereignty that was on trial, rather than Kansas, the Emigrant-Aid Company, or the Missourians. Senator Collamer met the issue when he demanded the repeal of the Kansas-Nebraska bill. Douglas evaded it when he argued that the bill would have worked well except for the fraud and violence that marked the election, which were the direct results of the application of the Douglas theory. One of the results of this debate in which Sumner and Douglas were guilty of using the most violent language—Sumner in particular—was the assault of Preston Brooks, a representative of South Carolina, on the Massachusetts senator on May 22. The provocation was an attack by Sumner on Senator Butler of South Carolina, a relative of Brooks. Why Butler should have been specially singled out for attack is not clear, since he had been rather more moderate than others in his speeches. However, he had broken off personal relations with Sumner, and had reflected on him personally. It was a case of shattered friendship. But nothing could justify the cowardly assault of Brooks on Sumner, made in the Senate Chamber, after that body had adjourned, when Sumner was writing at his desk. It narrowly missed being fatal. It was not till four years later that Sumner was able to resume his senatorial duties, and he never fully recovered his health and strength. A committee of the Senate reported that the assault was a breach of the privileges of

that body, but that the House alone had jurisdiction over Brooks. The House vote on a resolution to expel Brooks was 121 to 95, the resolution failing as a two-thirds vote was required. Brooks was later elected to succeed himself, only 6 votes in the whole district being cast against him. It should be said that Douglas was one of the first on the scene after the attack had been made, and he was criticized severely for not coming to the assistance of the stricken man. Feeling that a defense was necessary, he said that he was in an antechamber of the Senate at the time, and his first impulse, on being informed of what was taking place, was to do what he could to put an end to the "affray." But fearing that his motives might be misconstrued, he did not yield to the impulse. The brutal assault was fiercely denounced in Congress, and by none more fiercely than by Anson Burlingame, representative from Massachusetts, later minister to China, a man of the highest character and greatest courage. Brooks, he said, had acted in violation of "that fair play which bullies and prize-fighters respect." The speech brought a challenge from Brooks, which Burlingame very promptly accepted, appointing, through his second, a meeting-place on the Canadian side of Niagara Falls. This was unsatisfactory to Brooks, who said that he could not travel in safety to Canada through an "enemy" country. This affair did as much as anything else to intensify public

feeling, and to divide the country. The issue raised by it was as sectional as the slavery question itself. "The blows that fell on the head of the senator from Massachusetts have," said Seward, "done more for the cause of human freedom in Kansas and in the Territories of the United States than all the eloquence—I do not call it agitation—which has resounded in these halls from the days when Rufus King asserted that cause in this chamber, and when John Quincy Adams defended it in the other House, until the present hour." Popular sovereignty was working out into strange results, and there were more to follow. As has been seen there was practical civil war in Kansas. While Congress was debating, and witnessing scenes of violence, the two sovereigns in Kansas were struggling for the supremacy. The North was beginning to send rifles as well as men. Emigration was organized and assisted in both sections. Only the day before the attack on Sumner, the town of Lawrence, the headquarters of the Emigrant-Aid Company, was pillaged and partly destroyed by the slavery men. It was in revenge for this that John Brown, his four sons, his son-in-law, and two other men, killed five proslavery men in the most cruel manner. Out of all the lawlessness, violence, and murder, was born a spirit that pointed directly to civil war. The Brown massacre was denounced in Kansas by men without distinction of party.

The free-State leaders, Reeder, Robinson, and Lane were indicted for treason. It was even proposed to arrest former Governor Reeder while he was engaged in examining a witness before the congressional investigating committee, which had reached Kansas in April. Governor Shannon refused to send federal troops to protect the free-State men, or to defend Lawrence. Both sides armed, and there was the wildest sort of guerilla warfare all over the territory. There was no more popular sovereignty, in the true sense of the words, in Kansas than there was in Russia under the so-called government of the Bolsheviks. It was not proving an easy task to find a sovereign. The congressional committee made its report on Kansas affairs on July 1, declaring that the territorial elections were fraudulent, that the territorial legislature was illegally constituted, that neither Whitfield nor Reeder had been legally elected as congressional delegate, and that under present conditions a legal election in Kansas was impossible. In this report, which was signed by two of the three members of the committee, it was found that the Constitution framed by the Topeka—or free-State—convention represented the will of the majority of the people. From this it would seem that the Topeka convention had at least called a sovereign—the majority of the people—into being. The minority member of the committee, Oliver, dealt mainly with the John

Brown massacres, into which he said that his associates refused to go on the ground that they had no authority to deal with events that had taken place since the appointment of the committee. The Oliver report was excellent campaign material, but for some reason little use was made of it by the Democrats. There was nothing in either report that could be used as an argument in favor of the Douglas theory of popular sovereignty. That is all that concerns us in this discussion. If not the provocation of the numerous atrocities, it at least paved the way for them, and, one may almost say, insured and guaranteed them. Congress found it necessary to do something about Kansas, supposedly sovereign, but what should it be?

## CHAPTER XI

### FREEDOM VERSUS SLAVERY

THE year 1856 is an important one in our history for many reasons, one of them being that it saw the first Republican national convention. Indeed, there were two such conventions. One was held at Pittsburg on February 22 on the call of the State committees of Maine, Vermont, Massachusetts, New York, Pennsylvania, Ohio, Indiana, Michigan, and Wisconsin. This convention served practically as a sort of national committee. Twenty-three States were represented by delegates. In an address, prepared by Henry J. Raymond, and adopted by the convention, it was demanded that all laws permitting the introduction of slavery "into Territories once consecrated to freedom" be repealed, and the new party was pledged to "resist by every constitutional means the existence of slavery in any of the Territories of the United States." Support was promised to the friends of freedom in Kansas, and the convention declared "in favor of the immediate admission of Kansas as a free and independent State." "It is," said the address, "a leading purpose of our organization to oppose and overthrow the present national administration."

A call was issued for a national convention to meet in Philadelphia June 17—Bunker Hill day—for the purpose of nominating candidates for President and Vice-President. Wilson, in his "Division and Reunion," says of the new Republican party: "It got its programme from the Free-Soilers, whom it bodily absorbed; its radical and aggressive spirit from the Abolitionists, whom it received without liking; its liberal views upon constitutional questions from the Whigs, who constituted both in numbers and in influence its commanding element; and its popular impulse from the Democrats, who did not leave behind them, when they joined it, their faith in their old party ideals." The convention met on the determined date, and nominated John C. Frémont for President, and William L. Dayton for Vice-President. It is worthy of note that on the informal ballot Abraham Lincoln received 110 votes for Vice-President. Seward was not a candidate, and Chase had withdrawn his name. Judge McLean was Frémont's rival. The attitude of the party toward slavery is sufficiently indicated by the following extracts from the platform: "As our Republican fathers, when they had abolished slavery in all our national territory, ordained that no person should be deprived of life, liberty, or property without due process of law, it becomes our duty to maintain this provision of the Constitution against all attempts to violate it for the pur-

pose of establishing slavery in any territory of the United States, by positive legislation prohibiting its existence upon or extension therein. The Constitution confers on Congress sovereign power over the Territories of the United States for their government, and in the exercise of this power it is both the right and the duty of Congress to prohibit in the Territories those twin relics of barbarism—polygamy and slavery. The dearest constitutional rights of the people of Kansas have been fraudulently and violently taken from them—their territory has been invaded by an armed force—spurious and pretended legislative, judicial, and executive officers have been set over them, by whose usurped authority, sustained by the military power of the government, tyrannical and unconstitutional laws have been enacted and enforced—the rights of the people to keep and bear arms have been infringed—test oaths of an extraordinary and entangling nature have been imposed as a condition of exercising the right of suffrage and holding office,” and so on through the whole category of crimes. “All these things,” the platform declared, “have been done with the knowledge, sanction, and procurement of the present administration, and for this high crime against the Constitution, the Union, and humanity, we arraign the administration, the President, his advisers, agents, supporters, apologists, and accessories, either before or after the facts, be-

fore the country and before the world, and it is our fixed purpose to bring the actual perpetrators of these atrocious outrages, and their accomplices to a sure and condign punishment hereafter." The immediate admission of Kansas as a free State under the Topeka Constitution was demanded. The Republicans clearly welcomed "Bleeding Kansas" as a campaign issue.

The Democrats were first in the field, their convention having been held at Cincinnati June 2. The sole question was as to what man would be most likely to hold the Northern wing of the party in line, since any one of the possibilities was satisfactory to the South. The President hoped for a renomination, and Douglas of course was a candidate. Pierce was, perhaps, the South's favorite, with Douglas a close second. And it might have been thought that, with the Kansas-Nebraska bill the principal issue, one of the two men—preferably Douglas—would have been chosen. The vote of Pennsylvania was indispensable, and so the party turned toward James Buchanan, a citizen of that State. He had been out of the country when Douglas's bill was passed, serving as Minister to Great Britain. His orthodoxy on the Kansas question was proved by a letter written by him to Slidell in London, six months before, in which he said that the Missouri Compromise was gone for ever, and that the principle of popular sovereignty as applied

to Kansas must be upheld and maintained. On the first ballot Buchanan received 135 votes, Pierce 122, Douglas 33, and Cass 5. One hundred and three of the Buchanan votes came from the North, and 32 from the slave States. On the succeeding ballots Douglas gained at the expense of the President, Buchanan receiving a majority on the tenth, the result being 168 for Buchanan and 118 for Douglas. After the sixteenth ballot, which showed no change, Buchanan being still short of the necessary two-thirds, Richardson, chairman of the Illinois delegation, read the following despatch from Douglas: "If the withdrawal of my name will contribute to the harmony of our party or the success of our cause, I hope you will not hesitate to take the step. . . . If Mr. Pierce or Mr. Buchanan, or any other statesman who is faithful to the great issues involved in the contest, shall receive a majority of the convention, I earnestly hope that all my friends will unite in insuring him two-thirds, and then making his nomination unanimous. Let no personal consideration disturb the harmony or endanger the triumph of our principles." Buchanan was then unanimously chosen. John C. Breckinridge, of Kentucky, was nominated for Vice-President.

The convention declared itself opposed to the principles of Know-Nothingism, and denounced "the crusade against Catholics and foreign-born"

as "neither justified by the past nor the future, nor in unison with our spirit of toleration or enlightened freedom." The convention resolved that Congress had no power to interfere with slavery in the States, and that "all efforts to induce Congress to interfere with questions of slavery ought to be discountenanced, as they lead to dangerous consequences." The compromise of 1850 was indorsed, and the principles of the Kansas-Nebraska bill were approved. Sectionalism was repudiated, and non-interference by the general government with slavery was accepted as good Democratic doctrine. Thus the issue was drawn. Again threats of secession in case of Frémont's election were heard. It was contended that the Republican party was sectional, and indeed it had no strength in the South. Many men were undoubtedly held by the Democrats on that argument. Rufus Choate, the great Massachusetts lawyer and Whig, declared for Buchanan, and made a powerful argument in his behalf. The situation was further complicated by the nomination of Fillmore by the American party, who was later indorsed by a Whig convention. With the candidates and their principles before the country, it is necessary to turn again to the efforts of Congress to solve the Kansas problem. The best bill offered was that of Toombs, the Southern Whig. It was accepted by Douglas, though it was later amended in a way that was thought to reflect

on the Illinois senator. The Democrats felt that something would have to be done in an affirmative way, but the Republicans were satisfied to let things drift. They distrusted, and with reason, the administration, and were not sorry to have such an issue as that presented by Kansas. The Toombs bill passed the Senate but was defeated in the House, which voted to admit Kansas under the Topeka Constitution. On August 18, Congress adjourned without action. Having failed to pass the army appropriation, it was called together in extraordinary session August 21, passed the army bill without the objectionable Kansas amendment ten days later, and adjourned.

So the issue was left to the people. For the first time there was a party in the field that was not afraid to draw the line sharply between freedom and slavery. The Republican party drew to itself the support of the great moral influences of the North. Men gradually began to realize that it might be possible to get rid of slavery and save the Union without making any further surrenders to slavery. The religious press was practically solid against Buchanan, and it fairly represented the feeling that prevailed in the churches. Clergymen, college professors—it was not till later that Republican orators sneered at "pale-faced professors"—school-teachers, literary men were among the strongest and most active supporters of Frémont. Emerson, Long-

fellow, Bryant, George William Curtis, and Washington Irving all spoke for the Republican ticket. Perhaps even the scorners of Victorianism will recall Whittier's lines to Frémont:

“ Still take thou courage ! God has spoken through thee,  
Irrevocable, the mighty words, Be free !  
The land shakes with them, and the slave's dull ear  
Turns from the rice-swamp stealthily to hear.  
Who would recall them now must first arrest  
The winds that blow down from the free North-west,  
Ruffling the gulf or like a scroll roll back  
The Mississippi to its upper springs.  
Such words fulfil their prophecy, and lack  
But the full time to harden into things.”

The Republicans pressed the Kansas issue with the utmost vigor, and the Democrats did not seem even to try to meet it. Yet they had good material in the Oliver report, but apparently they did not realize its importance. The initiative, enthusiasm, and dash were all with the new party. Douglas was one of the most conspicuous leaders on the Democratic side, contributing liberally to the cause, and speaking with his usual effectiveness, mostly in the doubtful States, Pennsylvania, New Jersey, Illinois, and Indiana. He gave with special liberality to the Pennsylvania campaign, as that was Buchanan's own State, and its vote was necessary to the election of the Democratic ticket. Everything that he could do he did for the success of his party.

The Democratic party, however, was still strong, and still national. Its appeal to the men who feared that Frémont's election would break up the Union was powerful. Business, always timid, was not easily roused by the Republican war-cry. There were no doubt many men like Choate who did not believe that Buchanan's election would fasten slavery on the country, but who did fear that secession might follow a Republican victory. Buchanan, too, had a creditable record in public affairs, and was much respected, while Frémont had no reputation as a statesman. Had he been elected, and had secession followed, one does not even at this late day like to think of what would have happened. At any rate Buchanan was elected, carrying every slave State, and the great doubtful States of the North—New Jersey, Pennsylvania, Indiana, Illinois, and California. His total vote was 1,837,337 to 1,341,812 for Frémont; Fillmore was a good third, polling 873,055 votes. On the popular vote Buchanan was a minority President. Fillmore carried Maryland. Buchanan's electoral vote was 174 as against 114 for Frémont, and 8 for Fillmore. Douglas could hardly have viewed the result in Illinois without grave misgivings. In the October election the Democratic candidate for governor—Richardson, the man who had helped the Kansas-Nebraska bill through the House—was beaten by the candidate of the anti-Nebraska forces, a Democrat who had refused

to sanction the repeal of the Missouri Compromise. In November Buchanan had indeed a plurality of 9,159, but four years before Pierce's plurality had been in excess of 15,000. Buchanan's vote was 105,348; that of Frémont 96,189; and that of Fillmore 37,444. The aggregate vote of the opposition was 133,633, or 28,285 in excess of that given to Buchanan. Douglas had anticipated the loss of the State in October, and had only hoped for victory in November. Disappointed he no doubt was, but hardly surprised. But on the whole he might well have claimed that the country had indorsed his popular sovereignty doctrine. His party had championed it, and his party had won. . . .

We have a startling picture of these times from the pen of Walt Whitman, who has shown that for years the North had been quite as responsible as the South for slavery. "For twenty-five years," says Whitman, "prior to the outbreak, the controlling Democratic nominating conventions of our republic—starting from their primaries in wards or districts, and so expanding to counties, powerful cities, States, and to the great presidential nominating conventions—were getting to represent and be composed of more and more putrid and dangerous materials. Let me give a schedule or list of one of these representative conventions for a long time before, and inclusive of that which nominated Buchanan. . . . The members who composed it were,

seven-eighths of them, the meanest kind of bawling and blowing office-holders, office-seekers, pimps, malignants, conspirators, murderers, fancy-men, custom-house clerks, contractors, kept editors, spaniels well-trained to carry and fetch, jobbers, infidels, disunionists, terrorists, mail-riflers, slave-catchers, pushers of slavery, creatures of the President, creatures of would-be Presidents, spies, bribers, compromisers, lobbyists, sponges, ruined sports, expelled gamblers, policy-backers, monte-dealers, duellists, carriers of concealed weapons, deaf men, pimped men, scarred inside with vile disease, gaudy outside with gold chains made from the people's money and harlots' money twisted together; crawling men, serpentine men, the lousy combings and born freedom-sellers of the earth. And whence came they? From back-yards and bar-rooms; from out of the custom-houses, marshals' offices, post-offices, and gambling hells: from the President's house, the jail, the station-house; from unnamed by-places where devilish disunion was hatched at midnight; from political hearses, and from the coffins inside, and from the shrouds inside of the coffins; from the tumors and abscesses of the land; from the skeletons and skulls in the vaults of the federal almshouses; and from the running sores of the great cities. Such, I say, formed, or absolutely controlled the forming of the entire personnel, the atmosphere, nutriment and chyle of our municipal, State, and

national politics—substantially permeating, handling, deciding, and wielding everything—legislation, nominations, elections, ‘public sentiment,’ etc., while the great masses of the people, farmers, mechanics, and traders, were helpless in their grip. These conditions were mostly prevalent in the North and West, and especially in New York and Philadelphia cities; and the Southern leaders (bad enough, but of a far higher order), struck hands and affiliated with them. Is it strange that a thunder-storm followed such morbid and stifling cloud strata? . . . The sixteenth, seventeenth, and eighteenth terms of the American presidency have shown that the villainy and shallowness of rulers (backed by the machinery of great parties) are just as eligible to these States as to any foreign despotism, kingdom, or empire—there is not a bit of difference. History is to record those three Presidentiads, and especially the administrations of Fillmore and Buchanan, as so far our topmost warning and shame. Never were publicly displayed more deformed, mediocre, snivelling, unreliable, false-hearted men. Never were these States so insulted, and attempted to be betrayed. All the main purposes for which the government was established were openly denied. The perfect equality of slavery with freedom was flauntingly preached in the North—nay, the superiority of slavery. The slave-trade was proposed to be renewed. Everywhere frowns and misunderstand-

ings—everywhere exasperations and humiliations." There may be some exaggeration, but there can be no doubt that in those disheartening days American politics sank to a disgracefully low level. It was soon shown, and in such a way as to make it clear even to those who were most hopeful for freedom, that Buchanan's election was a victory for slavery. When the new President was inaugurated a third governor was trying to establish popular sovereignty in Kansas. The administration of Shannon had come to be such a scandal as to be a burden in the campaign, and so he was removed in August, 1856, after having incurred the enmity even of the proslavery faction. In his place was appointed J. W. Geary, a man of good character. Peace in Kansas was, he said, necessary if Buchanan was to be elected. And he did much to restore peace, and probably would have succeeded but for the proslavery men. It is a noteworthy fact that Democrats and Southern men of intelligence and character almost invariably took the side of freedom when they were called on as residents of new States and Territories to frame Constitutions for them. It had been so in California. It was so in the case of the Topeka Convention. And now we find Governor Geary, who had maintained entire impartiality, opposed by the radical slavery interest. Governor Reeder, another proslavery man, met the same fate. Geary was able to say within a month after his arrival in Kansas that

"peace now reigns," and "confidence is being gradually restored." In a speech delivered after the October victory in Pennsylvania, Buchanan said: "Peace has been restored in Kansas. . . . We shall hear no more of bleeding Kansas. There will be no more shrieks for her unhappy destiny." Things continued to go well, and the report of the governor, who had won the confidence of the free-State people, made in November, was very encouraging. President Pierce in his last message congratulated the country on "the peaceful condition of things in Kansas," and praised "the wisdom and energy of the present executive." But it soon appeared that Pierce cared more for the good-will of the slavery interest than for the welfare of Kansas. It is possible that the Kansas problem might have been solved by Geary had he been supported by either Pierce or Buchanan. But he had offended the slavery men by his fairness, and was hampered in every way possible by federal officers in Kansas. His removal was demanded. Finding that there was no intention on the part of Washington to deal honorably with the matter, Geary, feeling that he could accomplish nothing, resigned on March 4, the day of the inauguration of Buchanan.

In his inaugural address the new President radiated good-will. "The voice of the majority," he said, speaking of the recent election, "speaking in the manner prescribed by the Constitution, was

heard, and instant submission followed. Our own country could alone have exhibited so grand and striking a spectacle of the capacity of man for self-government." From this not wholly original generalization Mr. Buchanan drew the following moral: "What a happy conception, then, was it for Congress to apply this simple rule, that the will of the majority shall govern, to the settlement of the question of domestic slavery in the Territories! Congress is neither 'to legislate slavery into any territory or State nor to exclude it therefrom, but to leave the people perfectly free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States.' . . . The whole territorial question being thus settled upon the principle of popular sovereignty—a principle as ancient as free government itself—everything of a practical nature has been decided. No other question remains for adjustment, because all agree that under the Constitution slavery in the States is beyond the reach of any human power except that of the respective States wherein it exists. May we not, then, hope that the long agitation on this subject is approaching its end, and that the geographical parties to which it has given birth, so much dreaded by the Father of his Country, will speedily become extinct? Most happy will it be for the country when the public mind shall be diverted from this question to others of more

pressing and practical importance. . . . This question of domestic slavery is of far graver importance than any mere political question, because should the agitation continue it may eventually endanger the personal safety of a large portion of our countrymen where the institution exists. In that event no form of government, however admirable in itself, and however productive of material benefits, can compensate for the loss of peace and domestic security around the family altar. Let every Union-loving man, therefore, exert his best influence to suppress the agitation, which since the recent legislation of Congress is without any legitimate object." Two days later came the Dred Scott decision, of which something will be said later, which roused the nation as it had never been roused before. What we are concerned with now is the new administration. Little need be said of the President, who was simply a weak, well-meaning man, surrounded by others of much greater force who knew exactly what they wanted. Four members of the cabinet came from slave, and three from free, States. Lewis Cass of Michigan, Secretary of State, a survivor of the old compromise days, was in his seventy-fifth year. The attorney-generalship fell to Jeremiah S. Black of Pennsylvania, a man of character and ability. The other Northern man was Isaac Toucey of Connecticut, who was Secretary of the Navy. But Toucey was so strongly Southern in his sympathies

as to have alienated from himself the support of his constituents. His term as senator from Connecticut had just expired. The strongest man in the new cabinet was Howell Cobb of Georgia, Secretary of the Navy. In 1850 he had been known as a Unionist, and was thought to be conservative. Jacob Thompson of Mississippi, Secretary of the Interior, was an extreme States' rights man. John B. Floyd of Virginia, Secretary of War, was not known to have any special qualifications for high place. The postmaster-general was Aaron V. Brown of Tennessee. From such a President and cabinet the foes of slavery had nothing to hope. Indeed as events showed the true friends of popular sovereignty were betrayed by them, for it soon developed that the administration thought it more important that the decision of Kansas should be "right" from the slavery point of view than that it should be the decision of the people. The Kansas question immediately began to press for consideration. Governor Geary, as has been said, resigned on the day of Buchanan's inauguration. He had quarrelled with the slavery men over the election held in October, 1856—in which the free-State men had refused to participate—for territorial delegate, and members of the legislature. The governor was denounced by the proslavery faction, and even threatened with assassination. A delegation headed by John Calhoun, surveyor-general of the territory,

visited Washington to bring about the removal of the governor. It was necessary to find a new governor, since the legislature chosen in October, 1856, had fixed the third Monday in June, 1857, as the day for the election of delegates to the constitutional convention. After much persuasion Robert J. Walker consented to undertake the thankless job. He was a Democrat, of course, a Mississippian, and friendly to slavery. Also he was a man of good character, and fine ability. He had served as Secretary of the Treasury under President Polk, and as senator, and was the author of the famous Walker tariff of 1846. Douglas strongly urged him to accept the governorship of Kansas. But before he went, the Supreme Court had handed down the Dred Scott decision, which had a very important bearing on Kansas affairs. In that famous opinion of Chief Justice Taney much was decided beside the point at issue, which was whether the court had jurisdiction of the case. The court held that a negro descended from slave parents was not a citizen of the United States, and so could not sue in its courts. If the court had stopped there, little would have been heard of the ruling. But, ambitious to settle the slavery question, the court held further that the Missouri Compromise was unconstitutional, and therefore that the master's property right in his slave could not be extinguished in any territory.

Probably no more far-reaching decision was ever

handed down by the Supreme Court. Its bearing on the politics of the day is clear enough. If the chief justice was right there were thousands of negroes scattered over the country who had been for years citizens of the States in which they resided who were not citizens of the United States. The decision amounted to a declaration of the unconstitutionality of the new Republican party, the fundamental doctrine of which was that Congress had the power, and should exercise it, to prohibit slavery in the Territories. The majority opinion was hardly more than a judicial declaration of the old Calhoun theory that slavery was self-extending, and was taken everywhere by the Constitution. But the bearing of the decision on Douglas, and on the situation in Kansas is what chiefly interests us. The Illinois senator, strangely enough, looked on it as an indorsement of his theory of popular sovereignty. The right which the court had said was lodged in the master to take his slave into any part of the country, and hold him in servitude, was, said Douglas, "a barren and worthless right, unless sustained, protected and enforced by appropriate police regulations and local regulations, prescribing adequate remedies. These regulations and remedies must necessarily depend entirely upon the will and wishes of the people of the territory, as they can only be prescribed by the local legislatures." And he concluded that "the great principle of popular

sovereignty and self-government is sustained and firmly established by the authority of this decision." In other words, a right enjoyed by an American citizen under the Constitution of the United States was of no value since the people of a territory might lawlessly set it aside, or refuse to enforce it. Great constitutional rights are not to be left to the local police to enforce. One cannot but wonder whether Douglas really believed that the court had upheld popular sovereignty, or whether he was merely trying to make the best of a bad case. He was to use the argument set out above many times, pressing it very hard in his debate with Lincoln. In a sense the North "accepted" the decision, for it could do nothing else. There was a raising of the old question as to the respect due the courts. Many excellent lawyers held that the decision was not binding on the people in its broad scope, since, as they held, all of it dealing with the constitutional question was *obiter*. This was the view of Justice Curtis, who delivered the dissenting opinion, which was affirmed later by the Emancipation Proclamation and Appomattox. "I do not consider," said Justice Curtis, "it to be within the scope of the judicial power of the majority of the court to pass upon any question respecting the plaintiff's citizenship in Missouri, save that raised by the plea to the jurisdiction; and I do not hold any opinion of this court or any court binding when expressed on a question

not legitimately before it. The judgment of this court is that the case is to be dismissed for want of jurisdiction, because the plaintiff was not a citizen of Missouri, as he alleged in his declaration. Into that judgment, according to the settled course of this court, nothing occurring after a plea to the merits can enter. A great question of constitutional law, deeply affecting the peace and welfare of the country, is not, in my opinion, a fit subject to be thus reached." The South was enthusiastic over the decision, recognizing it for what it was—one of the most formidable blows ever struck in behalf of slavery. Southern men laughed at Douglas's theory that the decision maintained his doctrine of popular sovereignty. "It is obvious," said Judah P. Benjamin, later holder of three positions in the Confederate cabinet, "that since the decision of the Supreme Court of the United States in the Dred Scott case, it is decided that from the origin all this agitation of the slavery question has been directed against the constitutional rights of the South; and that both Wilmot provisos and Missouri Compromise lines were unconstitutional." The slavery men realized the extent of their victory. They saw in it, too, a victory, not only over the Missouri Compromise, but over popular sovereignty as well. For if Congress could not prohibit slavery how could a territorial legislature do so? All that popular sovereignty under the new conditions could mean

was that the people might vote whether they would have slavery or not, but that only the votes for slavery would count. The court in effect adopted the theory that since the negro was inferior to the white man he was rightfully and forever doomed to slavery. The negroes, said the chief justice, "had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit. He was bought and sold, and treated as an ordinary article of merchandise and traffic, wherever a profit could be made by it. The opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position of society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion." It is hard to imagine a chief justice of the United States giving expression to such views. Douglas earnestly, and with apparent enthusiasm, defended the decision. He, too, made much of the argument based on the negro's inferiority, and re-

joiced that the country was to continue to enjoy white supremacy and be spared negro equality. With a quotation from Lincoln, who declared that in his opinion the decision was wrong, the consideration of it will be brought to a close: "There is a natural disgust in the minds of nearly all white people to the idea of an indiscriminate amalgamation of the white and black races; and Judge Douglas evidently is basing his chief hope upon the chances of his being able to appropriate the benefit of this disgust to himself. If he can, by much drumming and repeating, fasten the odium of that idea upon his adversaries he thinks he can struggle through the storm. He therefore clings to this hope, as a drowning man to the last plank. He makes an occasion for lugging it in from the opposition to the Dred Scott decision. He finds the Republicans insisting that the Declaration of Independence includes *all* men, black as well as white, and forthwith he boldly denies that it includes negroes at all, and proceeds to argue gravely that all who contend it does, do so only because they want to vote, and eat, and sleep, and marry with negroes! He will have it that they cannot be consistent else. Now I protest against the counterfeit logic which concludes that, because I do not want a black woman for a slave I must necessarily want her for a wife. I need not have her for either. I can just leave her alone. In some respects she certainly is not my

equal; but in her natural right to eat the bread she earns with her own hands without asking leave of any one else, she is my equal, and the equal of all others. . . . The Republicans inculcate, with whatever of ability they can, that the negro is a man, that his bondage is cruelly wrong, and that the field of his oppression ought not to be enlarged. The Democrats deny his manhood; deny, or dwarf to insignificance, the wrong of his bondage; so far as possible, crush all sympathy for him, and cultivate and excite hatred and disgust against him; compliment themselves as Union-savers for doing so; and call the indefinite outspreading of his bondage 'a sacred right of self-government.' The plainest print cannot be read through a gold eagle; and it will be hard ever to find many men who will send a slave to Liberia, and pay his passage, while they can send him to a new country—Kansas, for instance—and sell him for fifteen hundred dollars, and the rise."

The issue between Douglas and Lincoln is here clearly presented. It was fundamentally moral. Lincoln recognized slavery as an institution in the States that were cursed with it, and one with which the federal government had no constitutional right to interfere. But he also saw in it a great evil, the spread of which the federal government had the power, and was under solemn obligation, to prevent. Douglas looked on it as a matter of indiffer-

ence, and did not care whether the people chose slavery or not as long as they were permitted to have a choice. Indeed he held that it was an abridgment of the people's rights to say that they should not have slavery if they wanted it. It was to him much as it would be to-day to allow the people of a territory to say whether they preferred the direct primary or the convention system.

When Governor Walker—to return to Kansas—reached the scene of his labors he might have thought that it was a matter of unimportance whether the slavery men or the free men won, since under the Dred Scott decision the territory would, as most men believed, be slave territory. But the effect of the decision does not appear till later. For the present the struggle was to go on with the new governor doing everything in his power to see that both sides had fair play. It should be said that he had as a coadjutor Frederick P. Stanton of Tennessee, a man of high character and exceptional talent, who had been appointed secretary of the territory. Walker arrived in Kansas May 26, 1857, and his inaugural address, which had been approved by the President and Douglas, was published next day. These men shared the opinion, generally prevalent in the South, that the free-State settlers were the disturbers, but like Governor Reeder and Governor Geary, they soon changed their views. It was clear to Walker that Kansas was destined to freedom,

and that, though he would have preferred to see it admitted as a slave State, the slavery men could never win honestly. What he hoped was that Kansas could be saved to the Democratic party. He found that a majority of the Democrats was favorable to freedom. His effort to bring the Democrats together failed, as it could only have been done on the basis of freedom. The case is typical of what followed throughout the nation. But there seemed to be a chance of peace. The free-State men agreed to abandon their proceedings under the Topeka Constitution, which certainly was irregular, to say the least. He promised them that, if the constitutional convention shortly to be held, should refuse to submit the Constitution to the people, he would join them in opposing that course. He also pledged—as far as this was possible—the President to submission. President Buchanan wrote confidentially to Walker saying: “On the question of submitting the Constitution to the bona fide residents of Kansas, I am willing to stand or fall.” On June 15, 1857, the election for delegates was held. The free-State men refused to vote, and the result was that out of 9,250 registered voters, only 2,200 voted. Here was proof conclusive that Kansas was for freedom. The election was peaceable, and in conformity with the law. The fruit of its work was the Lecompton Constitution, framed at the town of that name, of unsavory fame, which did as much

as any other one thing to split the Democratic party by driving Douglas into opposition. Before the convention began its work, there was an election on October 5 for members of the legislature and delegate to Congress. The free-State men changed their policy, and participated in the election, which was probably the first fair election ever held in Kansas up to that time. The free-State men chose a majority of both branches of the legislature and elected their candidate as delegate to Congress by a majority of 4,089. The slavery men did not yield with good grace. They exhibited to the governor what purported to be poll books from several precincts showing enough votes which would, if counted, change the complexion of the legislature. These palpably fraudulent returns were rejected by the governor, who gave certificates to the free-State candidates, and issued a proclamation, in which he said:

“The consideration that our own party by this decision will lose the majority in the legislative assembly does not make our duty in the premises less solemn and imperative. The elective franchise would be utterly valueless and free government itself would receive a deadly blow, if so great an outrage as this could be shielded under the cover of mere form and technicalities.” The proslavery people, both in Kansas and throughout the nation, raised a cry against the governor. Leaders in Con-

gress, headed by Jefferson Davis, denounced him, and Democratic conventions in the South adopted resolutions censuring him. As late as July the President had seemed disposed to stand by him, for it was in that month that the letter just referred to was written. Here it is that the Dred Scott decision enters in. The President had, by August, discovered that Kansas was already a slave State. "This point," he said, "has at last been finally decided by the highest tribunal known to our laws. How it could ever have been seriously doubted is a mystery. If a confederation of sovereign States acquire new territory at the expense of their common blood and treasure, surely one set of partners can have no right to exclude the other from its enjoyment by prohibiting them taking into it whatever is recognized to be property by the common Constitution." Yet the President himself had held only a few weeks before that the people of Kansas had a right to say whether they would have slavery or not. Now he had reached the conclusion that it was "a mystery" how any one, including himself, had ever thought so. When the Southern leaders learned that the Lecompton convention would be controlled by their friends they began to demand that it adopt a proslavery Constitution and ask admittance to the Union. Such in fact were the instructions from Washington, though the President was not in the plot. The convention met for business October 19,

1857, representing but one-fourth of the registered voters of the territory. It did its work under the protection of United States troops, but for which its members would have been driven from the Territory. The convention very promptly adopted a proslavery Constitution, and provided for a submission to the people in an election to be held December 21, which was really no submission at all. When Governor Walker visited Washington in November, he found that he had lost the favor of the administration, and won the hatred of the Southern Democratic leaders. There was nothing for him to do but resign, which he did in a letter declaring his opposition to the Lecompton Constitution, which, he said, was also opposed by an overwhelming majority of the people of Kansas. In his absence Secretary Stanton had, in response to the requests of the free-State men, summoned a special session of the legislature, which called an election at which a fair vote might be had on the Constitution adopted by the Lecompton convention. Thus two elections were to be held—that ordered by the convention on December 21, and that ordered by the free-State legislature on January 4, 1858. For his action in calling the legislature together Stanton was promptly removed, and Denver was appointed in his place. By this time it was clear to all that no man who conducted himself with courage, fairness, and honesty could be satisfactory to those who were bent on

making Kansas a slave-State. The Lecompton trick is perfectly transparent. The people were asked to vote, not for or against the Constitution, but for the Constitution with or without slavery. In either case the vote would have been one for the Constitution. And even if it had been favorable to the Constitution without slavery it would have ratified the following provision: "The right of property is before and higher than any constitutional sanction, and the right of the owner of a slave to such slave and its increase is the same and as inviolable as the right of the owner of any property whatever." It was further provided that the Constitution could not be amended in any particular till after the year 1864, and never amended so as to "affect the right of property in the ownership of slaves." To this had popular sovereignty come. At the December election the vote was for the Constitution with slavery, 6,226; for the Constitution without slavery, 569. It was later proved that 2,720 of these votes were fraudulent. In the January election, the vote was for the Constitution with slavery, 138; for the Constitution without slavery, 24; against the Constitution, 10,226. Here is clear proof that the State was heavily hostile to slavery. But no better proof could be asked than the unwillingness of the slavery conspirators to give to the people an honest chance at a fair election to express their will. The proslavery men both in Kansas and Washington knew perfectly well that

the people of Kansas were opposed to slavery. That is the reason why it was found necessary to cheat them out of their rights by a dastardly trick. Governor Walker denounced the proposed "submission of the question as a vile fraud, a base counterfeit," and said: "I will not support it, but I will denounce it, no matter whether the administration sustains it or not." This was in response to the statement of John Calhoun, surveyor-general of the territory, and president of the convention, that the programme "was the programme of the administration," though he admitted that he had no letter from the President. There are good reasons for believing that Buchanan was not a party to the conspiracy, though it undoubtedly centred in Washington. The President, however, supported the conspirators after they had put through their scheme. The whole question was now transferred to Congress, and in the great drama that followed Mr. Douglas played a leading part, and a part that did him infinite credit. He saw that his popular sovereignty programme had at last been ditched, and that he himself had been betrayed, and, what was worse, had been the unconscious instrument in the betrayal of the people of Kansas. The necessity for a break with the slavery interest was now forced on him. Had he been brave enough or great enough to break completely the history of the country might have been very different from what it actually was. . . .

## CHAPTER XII

### DOUGLAS BREAKS WITH THE ADMINISTRATION

In his message of December 8, 1857, President Buchanan said that Congress in passing the Kansas-Nebraska act had declared it to be "the true intent and meaning of this act not to legislate slavery into any territory or State, nor to exclude it therefrom, but to leave the people perfectly free to form and regulate their domestic institutions in their own way." He held that the question of the existence or non-existence of slavery must be submitted to the people, but that there was no reason why the whole Constitution should be so submitted. That he would have preferred that method he made clear. But as Constitutions had been adopted without a direct vote of the people on them, and as—so Mr. Buchanan argued—the Kansas-Nebraska bill did not provide for or require such submission, he held that it was not necessary. All that was necessary was that the people should be allowed to vote on the slavery question. Douglas must have been profoundly astonished by this presidential burking of popular sovereignty in the interest of, and at the demand of, the slave-power. But before the message he had been alarmed at the prospect of the

success of the Lecompton trick. In an interview with the President shortly after his arrival at Washington, Douglas discovered that there was a wide difference between them. When Mr. Buchanan said that he would advise the adoption of the policy of the slave-power, Douglas said that he would denounce and fight it in the Senate. Thus war was declared, a war that probably kept Douglas out of the White House, and banished the Democratic party from power for a quarter of a century. After the reading of the President's message, Douglas moved that it be printed, and said that he dissented from "that portion of the message which may fairly be construed as an approving of the proceedings of the Lecompton convention." The next day he addressed the Senate on the subject in a speech of great power. As this is Douglas's declaration of independence, a somewhat extended summary of it seems necessary. Mr. Douglas said:

"The President, after expressing his regret, and mortification, and disappointment that the Constitution had not been submitted to the people in pursuance of his instructions to Governor Walker, and in pursuance of Governor Walker's assurances to the people, says, however, that by the Kansas-Nebraska act the slavery question only was required to be referred to the people, and the remainder of the Constitution was not thus required to be submitted. He acknowledges that, as a general rule,

on general principles, the whole Constitution should be submitted; but, according to his understanding of the organic act of Congress, there was an imperative obligation to submit the slavery question for their approval or disapproval, but no obligation to submit the entire Constitution. In other words, he regards the organic act, the Nebraska bill, as having made an exception of the slavery clause, and provided for the disposition of that question in a mode different from that in which other domestic or local affairs, as contradistinguished from federal questions, should be decided." After suggesting that the President was not familiar with the subject, as he was out of the country at the time, serving as Minister to Great Britain, Mr. Douglas continued: "What was the principle enunciated by the authors and supporters of that bill when it was brought forward? Did we not come before the country and say that we repealed the Missouri restriction for the purpose of substituting and carrying out as a general rule the great principle of self-government, which left the people of each State and each territory free to form and regulate their domestic institutions in their own way, subject only to the Constitution of the United States? In support of that proposition, it was argued here, and I have argued it wherever I have spoken in various States of the Union, at home and abroad, everywhere I have endeavored to prove that there

was no reason why an exception should be made in regard to the slavery question. . . . The very first proposition in the Nebraska bill was to show that the Missouri restriction, prohibiting them from deciding the slavery question for themselves, constituted an exception to a general rule, in violation of the principle of self-government; and hence that that exception should be repealed, and the slavery question, like all other questions, submitted to the people, to be decided by themselves. That was the principle on which the Nebraska bill was defended by its friends. Instead of making the slavery question an exception, it removed an odious exception which before existed. . . . We repealed the Missouri restriction because it was confined to slavery. That was the only exception there was to the general principle of self-government. That exception was taken away for the avowed and express purpose of making the rule of self-government general and universal, so that the people should form and regulate all their domestic institutions in their own way." Douglas's purpose had been to enable the people to legislate directly on slavery as on all other questions. Now the President held that they could not be allowed to pass on anything else than slavery. There can be no doubt of the truth of the statements of Douglas or the soundness of his logic. What he did not or could not see, or, if he did see, would not admit, was that the only

reason why the slavery leaders favored the repeal of the Missouri Compromise was that they believed that the effect would be to give them a chance to get slavery into Kansas. They cared for popular sovereignty only as a means to accomplish their end. But Douglas went on to show that under the Lecompton scheme there was no real chance to vote even on the slavery issue. He said: "The President tells us in his message that the whole party pledged our faith and our honor that the slavery question should be submitted to the people, without any restriction or qualification whatever. Does this schedule submit it without qualification? It qualifies by saying, 'You may vote on slavery if you will vote for the Constitution, but you shall not do so without doing that.' That is a very important qualification—a qualification that controls a man's vote, and his action, and his conscience, if he is an honest man—a qualification confessedly in violation of our platform. We are told by the President that our faith and our honor are pledged that the slavery clause should be submitted without any qualification of any kind whatever; and now am I to be called upon to forfeit my faith and my honor in order to enable a small minority of the people of Kansas to defraud the majority of that people out of their elective franchise? Sir, my honor is pledged; and before it shall be tarnished I will take whatever consequences personal to my-

self may come; but never ask me to do an act which the President in his message has said is a forfeiture of faith, a violation of honor, and that merely for the expediency of saving the party. I will go as far as any one of you to save the party. I have as much heart in the great cause that binds us together as any man living. I will sacrifice anything short of principle and honor for the peace of the party; but if the party will not stand by its principles, its faith, its pledges, I will stand there, and abide whatever consequences may result from the position. . . . If this Constitution is to be forced down our throats, in violation of the fundamental principle of free government, under a submission that is a mockery and an insult, I will resist it to the last. I have no fear of any party associations being severed. I should regret any social or political estrangement, even temporarily; but if it must be, if I can not act with you and preserve my faith and my honor, I will stand on the great principle of popular sovereignty, which declares the right of all people to be left perfectly free to form and regulate their domestic institutions in their own way. I will follow that principle wherever its logical consequences may take me, and I will endeavor to defend it against assault from any and all quarters. No mortal man shall be responsible for my action but myself. By my action I will compromit no man."

The speech created a great sensation. Douglas had always been known as a strict party man—as indeed he was—and a great believer in party regularity. At the time he thus challenged the national administration he was the leader of his party, and the most powerful man in it. His attack on the President was none the less vigorous for being couched in courteous language, and inferential rather than direct. "Henceforth," wrote Seward, "Douglas is to tread the thorny path I have pursued. The administration and the slave-power are broken. The triumph of freedom is not only assured but near." Northern papers, both Democratic and Republican, praised the speech. "What can equal," Seward wrote again, "the caprices of politics! The triumph of slavery [in 1850] would have been incomplete, indeed it could not have occurred, had it not been for the accession to it of Stephen A. Douglas. By that defection he became soon, and has, until just now, continued (under the favor or fear of successive administrations) legislative dictator here, intolerant yet irresistible. . . . Yesterday he broke loose from all that strong host he had led so long, and although he did not at the first bound reach my position, as an ally, yet he leaped so far towards it as to gain a position of neutrality altogether unsafe and indefensible." Unlike some other Republicans Seward welcomed all accessions from the opposing party

to the anti-Lecompton forces. He wrote: "Since Walker, Douglas, and Stanton have been converted, at least in part, we are sure to hear the gospel preached (though with adulteration) to the Gentiles." Seward continued: "God forbid that I should consent to see freedom wounded, because my own lead, or even my own agency in serving it, should be rejected. I will cheerfully co-operate with these new defenders of this sacred cause in Kansas, and I will award them all due praise for their large share of merit in its deliverance." There was, however, considerable distrust of Douglas's motives. The Republicans were very glad to see the Democratic party split, and quick to recognize and improve to the utmost the opportunity that he had given them. In the East there were some who favored a union on Douglas in Illinois by the friends of freedom as their candidate for United States senator. Later there was talk of making him the presidential candidate of the Republican party. But there was in the West little sympathy with these plans. Nor can it be said that Douglas made any attempts to conciliate his old foes. He was still for popular sovereignty, still indifferent to the moral aspect of slavery. But there does not seem to be any reason to question the sincerity of his motives. It is true that his term as senator was about to expire, and that his constituents had made clear their opposition to the Lecompton scheme.

Perhaps he could not have been elected if he had favored it. But he might have kept still, and voted against it quietly and with regret. And he might well have thought that he could go back to Illinois and meet the people bravely, as he had done four years before, and win them to his support. The thing might have been impossible, since the feeling against slavery had grown much more intense. But he might very easily have felt that the victory could have been won. On the other hand, he knew that by his speech he had won the undying opposition of the administration, and that it would not only fail to support him, but actively oppose him in his campaign for re-election—which it did. He could not have failed to realize that he had put the presidency forever beyond his grasp. The case is well summed up by William Henry Smith in his *Political History of Slavery*: “Mr. Douglas’s senatorial term was about expiring, and he had to consider what effect his support of the Lecompton swindle would have on his chances of being returned. To break with the administration would be to invite his deposition as a leader, even his expulsion from the party. In times past the resentment of the President had been fatal to any Democratic independent. By keeping terms with the administration Douglas’s nomination at Charleston was almost certain to follow in 1860, and his election with the help of Pennsylvania, New Jersey, Indiana, Illinois, Cali-

fornia, and Oregon was probable. Instead of having the opposition of the administration in his senatorial canvass in 1858, he would have had its powerful support, and his success does not admit of a doubt. The devotion of his friends was the same devotion that made Jefferson and Jackson party heroes despite occasional vagaries. We must conclude that there was a consideration of greater moment than the presidency, of importance in connection with a return to the Senate. Douglas was too deeply compromised in the Kansas-Nebraska legislation safely to renounce what he had proclaimed, as it were, from the housetops as the great principle of popular sovereignty and to defend a flagrant fraud even if his soul did not revolt from it. When he threw down the gage to the President he denounced the wrong with characteristic vigor and with apparent sincerity. He was enlisted on the side of morality, and the consciousness of that fact gave a sublime effect to his vindication of his course. He was first of all a leader of men, and the possession of that power was greater than the presidency. The session of the Senate closed with Douglas the hero of the debate, and he returned to Illinois accompanied by the plaudits of the majority of his own party, of the conservative Whigs and of many influential Republicans who favored his re-election to the Senate." No one knew better than he the power of party, especially of such a

great and historic party as the Democratic party then was, which had hardly known defeat. Douglas, then, it seems fair to say, performed a great and patriotic public service, from motives as near unmixed as often inspire men, and showed himself on a very trying occasion to be both a patriot and a statesman. He withstood enormous pressure, endured the bitterest detraction, and was for the rest of his life fiercely fought by the ruling influences in his party. But he never wavered. Nothing happened to him as a result of his action that he did not foresee. Indeed, the President had warned him that he would be "crushed." Under such circumstances it is unfair and ungenerous to go poking round for a mean motive when a noble one stands out so clearly.

On February 2, 1858, the President transmitted the Lecompton Constitution to Congress. The new governor, Denver, like his predecessors, understood the situation, and advised the President against the course he was about to take. Even Governor Wise of Virginia sided with Douglas and Walker. "If Congress," he said later, "adopts that Lecompton schedule, Democracy is dead; and the administration can save it now; it cannot after that act." His theory was that the disunionists were trying to drive all the Northern Democrats away from Buchanan. The Constitution, it will be remembered, had been rejected by a crushing majority

at the January election. But the President had by this time surrendered abjectly to the slave-power. His message was hardly more than an amplification of the regular message of December. The President reviewed the troubles in Kansas in a way wholly favorable to the slave-State men, condemned the free-State men as revolutionists, and declared that the Lecompton Constitution had been regularly adopted. He elaborated the theory that it was enough to allow the people to vote for or against slavery, apparently oblivious of the fact that they could not vote even on that narrow issue without taking an oath to sustain the fugitive-slave laws. The whole territory had by Mr. Buchanan's friends and masters been organized on a slave basis. But there is one paragraph in the message that deserves special consideration: "It has been solemnly adjudged by the highest judicial tribunal known to our laws that slavery exists in Kansas by virtue of the Constitution of the United States. Kansas is therefore at this moment as much a slave-State as Georgia or South Carolina. Without this the equality of the sovereign States composing the Union would be violated and the use and enjoyment of a territory acquired by the common treasure of all the States would be closed against the people and the property of nearly half the members of the Confederacy. Slavery can therefore never be prohibited in Kansas except by means of a constitutional pro-

vision, and in no other manner can this be obtained so promptly, if a majority of the people desire it, as by admitting it into the Union under its present Constitution." If Kansas was indeed already a slave State there surely could have been no point in permitting the people to vote for the Constitution either with or without slavery, since a vote against slavery would have had no effect, as slavery already existed. In July of the preceding year the President had written to Governor Walker thus: "On the question of submitting the Constitution to the bona fide resident settlers of Kansas I am willing to stand or fall. In sustaining such a principle we cannot fail. It is the principle of the Kansas-Nebraska bill, the principle of popular sovereignty, and the principle at the foundation of all popular government. The more it is discussed the stronger it will become." Here is no suggestion that only a part of the Constitution—the slavery part—should be submitted, much less any intimation that Kansas was already a slave State. But in the next month he had arrived at the conclusion that slavery was a fact in Kansas beyond the power of the people to alter. So he shifted more and more to the slavery side, until in December he said that it was enough to give the people an opportunity to vote on slavery, though they could not vote either for or against it without voting for the Constitution. And finally in a formal and official way he

announced to Congress, the country and the world, that "Kansas is at this moment as much a slave State as Georgia or South Carolina." Thus he abandoned the principle on which he had said in the preceding July he was "willing to stand or fall, the principle of popular sovereignty, and the principle at the foundation of all popular government." The old Calhoun theory, which had been scouted by pretty nearly every one when it was announced by the great South Carolinian, and which had been demolished by Webster, was now solemnly proclaimed by a President of the United States. Does Whitman's characterization of the Buchanan "Presidentiad" seem, after all, to be overly severe? Unparliamentary it may be, but one can hardly question its accuracy.

The message was referred to the committee on Territories, which already had under consideration a bill introduced by Douglas authorizing the people of Kansas to frame a Constitution preliminary to admission into the Union. On the President's recommendations three reports were made. The only one that interests us is that of Douglas. In it the Lecompton Constitution was denounced as not being "the act of the people of Kansas," or embodying "their will." He referred to "the trickery in the mode of submission" by which "a large majority, probably amounting to three-fourths of all the legal voters of Kansas, were disfranchised and excluded

from the polls on December 21," while at the January election "a majority of more than 10,000 of the legal voters rejected the Constitution." There is little or nothing new in the debate that followed. It was heated and intense. Douglas was bitterly attacked by the slavery men, one of them saying that but for him "there would not have been a ripple on the surface." He was assailed as a traitor and renegade. But he again showed that he was amply able to defend himself, and even to carry the war to his enemies. The whole power of the administration was thrown against him. It is doubtful whether there ever was a more shameless use of patronage in behalf of a piece of legislation. "Whenever," Douglas said, "the time comes that the President of the United States can change the allegiance of senators from the States to himself, what becomes of the sovereignty of the States? When the time comes that a senator is to account to the executive and not to his State, whom does he represent? If the will of my State is one way and the will of the President the other, am I to be told that I must obey the executive and betray my State, or else be branded as a traitor to the party, hunted down by all the newspapers that share the patronage of the government? and every man who holds a petty office in any part of my State to have the question put to him, 'Are you Douglas's enemy?' if not 'your head comes off.' Why? 'Because he is a recreant

senator; because he chooses to follow his judgment and his conscience, and represent his State instead of obeying my executive behest.' I should like to know what is the use of Congress; what is the use of Senates and Houses of Representatives, when their highest duty is to obey the executive in disregard of the wishes, rights, and honor of their constituents? What despotism on earth would be equal to this, if you establish the doctrine that the executive has a right to command the votes, the consciences, the judgment of the senators and representatives, instead of their own constituents? . . . Is it seriously intended to brand every Democrat in the United States as a traitor who is opposed to the Lecompton Constitution? If so, do your friends in Pennsylvania desire any traitors to vote with them next fall? We are traitors if we vote against Lecompton, our constituents are traitors if they do not think Lecompton is right, and yet you expect those whom you call traitors to vote with and sustain you. Are you to read out of the party every man who thinks it wrong to force a constitution on a people against their will? If so, what will be the size of the administration party in New York? What will it be in Pennsylvania? How many will it number in Ohio, or in Indiana, or in Illinois, or in any other Northern State? Surely you do not expect the support of those whom you brand as renegades? Would it not be well to allow

all freemen freedom of thought, freedom of speech, and freedom of action?" Thus Douglas had at last learned that there could be no freedom of any sort where slavery was concerned. "Neither the frowns of power," he continued, "nor the influence of patronage will change my action, or drive me from my principles. I stand firmly, immovably upon those great principles of self-government and State sovereignty upon which the campaign was fought and the election won. I stand by the time-honored principles of the Democratic party, illustrated by Jefferson and Jackson—those principles of State rights, of State sovereignty, strict construction, on which the great Democratic party has ever stood. I will stand by the Constitution of the United States, with all its compromises, and perform all my obligations under it. I will stand by the American Union as it exists under the Constitution. If, standing firmly by my principles, I shall be driven into private life, it is a fate that has no terrors for me. I prefer private life, preserving my own self-respect and manhood, to abject and servile submission to executive will. If the alternative be private life or servile obedience to executive will, I am prepared to retire. Official position has no charms for me when deprived of that freedom of thought and action which becomes a gentleman and a senator." This speech raised Douglas high in the opinion of the country. It did not remove all

doubt as to his motives or his sincerity. This was too much to expect, since he had travelled long in company with the slavery men, and had always been known as a narrow and strict partisan. But the speech did convert many, as well it might have done. For it meant a complete break with the administration, and an open fight between him and the controlling influences in the Democratic party. On the next day the Senate passed the bill by a vote of 33 to 25, having previously rejected the Crittenden amendment providing for the admission of Kansas under the Lecompton Constitution, on the condition that it again be submitted to the people. Only three Northern Democrats, Broderick of California, Pugh of Ohio, and Stuart of Michigan, voted with Douglas against the bill. Two Southerners, Bell of Tennessee, and Crittenden of Kentucky, members of the American party, also cast their votes against the bill. When the bill came before the House an amendment, practically the same as that presented by Crittenden in the Senate, was offered, and agreed to. The Senate refused to accept the amendment. Out of the dispute, neither House being willing to yield, came the bill offered by Representative William H. English of Indiana. By this bill the government agreed to donate to Kansas a large tract of government land; if this grant was accepted by popular vote, Kansas would be admitted under the Lecompton Constitution;

if it were rejected, the State would have to wait for admission till it had population equal to the unit of representation required for the House of Representatives. This bill became a law. Douglas voted against it. Many of his followers left him, feeling sure that the people of Kansas would refuse the bribe, as they indeed did. But Douglas stood fast, refusing to accept "a way out." The bill, he said, "is intervention with inducements to control the result. It is intervention with a bounty on the one side and a penalty on the other." The bill passed the Senate by a vote of 31 to 22, Pugh going over to the enemy, and Douglas, Broderick, and Crittenden maintaining their position. The House adopted it by a vote of 120 to 112. In the following August the people of Kansas refused the grant, 11,300 votes out of a total of 13,088 being against it. Thus ends the war over the Lecompton Constitution. Kansas, to anticipate somewhat, was finally admitted as a free State in January, 1861, before the expiration of Mr. Buchanan's term.

## CHAPTER XIII

### THE LINCOLN-DOUGLAS DEBATE

DOUGLAS had a much wider interest in public affairs than might be supposed by those who have seen how completely he was absorbed in the slavery question. One of the first gifts that the University of Chicago received was ten acres of land from Douglas. He was greatly interested in the Smithsonian Institution, and one of its regents. But for the precipitation of the battle over slavery by his introduction of the Kansas-Nebraska bill it is possible that Douglas might have worked out a system of internal improvements that would forever have saved the nation from the shame and disgrace of "pork-barrel" legislation. No man favored more strongly than he the disposition of the public lands in such a way as to promote immigration, and stimulate the development of the country. He was a strong believer in internal improvements wisely undertaken and honestly prosecuted. In this he was opposed by the slavery men, who did not care to see any increase of free territory or of population within it, and by many Easterners, who showed a strange indifference to the West, and even a fear that we might expand

too rapidly. He favored the placing of works of art on the free list, saying: "I wish we could get a model of every work of art, a cast of every piece of ancient statuary, a copy of every valuable painting and rare book, so that our artists might pursue their studies and exercise their skill at home, and that our literary men might not be exiled in the pursuits which bless mankind." It has been said that Douglas had no imagination, but that he had vision. Perhaps there was something of both in the man when he got away from the slavery question. Certainly he saw this nation, not solely as it was, but as it was one day to be. To him there was nothing unreasonable in the memorial of an inventor, which he presented and supported in the Senate, asking for aid in making experiments with dirigible balloons. Years afterward, and in our own time, Professor Langley was ridiculed in Congress when he asked for similar help in developing flying machines. Douglas was an earnest and persistent advocate of a Pacific railroad, favoring every bill authorizing that enterprise, and introducing one of his own immediately following the end of the Lecompton controversy. Not the least of the tragedies connected with slavery was the hindrance that it interposed to national development. But for slavery Douglas might have rendered far greater service to the nation—and this is true of all the men of the time—than any that can be credited to him.

Lincoln was right when he said in his speech accepting the Republican nomination for the senatorship, on June 16, 1858: "We are now far into the fifth year since a policy was initiated with the avowed object, and confident promise of putting an end to the slavery agitation. Under the operation of that policy, that agitation has not only not ceased, but has constantly augmented. In my opinion, it will not cease until a crisis shall have been reached and passed. 'A House divided against itself cannot stand.' I believe this government cannot endure half slave and half free. I do not expect the Union to be dissolved—I do not expect the house to fall—but I do expect it will cease to be divided. It will become all one thing or all the other. Either the opponents of slavery will arrest the further spread of it, and place it where the public mind shall rest in the belief that it is in the course of ultimate extinction; or its advocates will push it forward till it shall become alike lawful in all the States, old as well as new—North as well as South." This speech marks the opening of the great debate between Douglas and Lincoln, and nothing received more attention from Douglas than the declaration that "a house divided against itself cannot stand." The senator had been warmly received by his constituents, who were in complete accord with him on the Lecompton question. The Democratic State convention, which met in April, indorsed Douglas,

and condemned, at least inferentially, the administration for its repudiation of the Cincinnati platform. Douglas had carried his State with him in his war on the Buchanan administration. That administration accepted the challenge, and exerted itself to the utmost to defeat the man who had defied it. The "crushing" process was ruthlessly put into effect. Douglas's friends were swept out of office, and his enemies appointed in their place. There was an attempt to set up an opposition ticket, and every effort was made to divide the Democratic vote for senator. Every federal officer in the State was an agent of the administration, and an active and aggressive one, in the campaign for the defeat of Douglas. On the 9th of July, 1858, the senator arrived in Chicago and was received as a conqueror. In his speech on the evening of that day he reviewed the Lecompton controversy, declared again his adherence to the popular sovereignty doctrine—which he said had been vindicated—and spoke of his own unwillingness to compromise or betray Democratic principles. Then he took up the speech of Lincoln—who was in the audience—delivered on June 16 to the convention that had nominated him for senator. "I take great pleasure," said Douglas, "in saying that I have known personally and intimately, for about a quarter of a century, the worthy gentleman who has been nominated for my place, and I will say

that I regard him as a kind, amiable, and intelligent gentleman, a good citizen and an honorable opponent; and whatever issue I may have with him will be of principle, and not involving personalities." From this the speaker proceeded to an attack on "the house divided against itself" statement. This the speaker took to be a plea for uniformity in local institutions, involving war by one section on the other to make the whole nation either free or slave. Lincoln was charged with favoring such a war. Douglas declared himself hostile to such uniformity, saying that it was neither "desirable nor possible." Lincoln would have compulsory uniformity; Douglas would not have uniformity at all. "Uniformity," he said, "in local and domestic affairs would be destructive of State rights, of State sovereignty, of personal liberty and personal freedom." Douglas defended the Dred Scott decision from Lincoln's criticism on two grounds: First, it was the law of the land declared by the highest tribunal in the country, and one from which there could be no appeal to a "town-meeting"; and second, it was right, since the negro was not and could not be a citizen, as "this government of ours is founded on the white basis." The negro, it was insisted, "should have all the rights, privileges and immunities which he is capable of exercising consistent with the safety of society." But it was for each State to decide what those rights

should be. Yet if it denied him all the rights of a human being—such must be the logic—the general government could not object. No State, apparently, could clothe him with the right of citizenship. So the debate opened—thus far at long range. Lincoln replied the next night in the same place. He very truthfully said that in the speech criticized by Douglas he did not say that he “favored” making the Union all free—or all slave—but had only made a prediction that things could not continue as they were—a prediction that has certainly been fulfilled. “I only said,” he declared, “what I expected would take place.” Douglas’s labored essay in defense of variety, which he assumed was attacked by Lincoln, certainly seems rather far-fetched to-day. At any rate we all believe now that there should be uniformity in connection with freedom. Speaking of Douglas’s white-man theory, Lincoln fell back on the Declaration of Independence. “Those arguments,” Lincoln said, and his words have a strange timeliness to-day, as prophetic words are likely always to have an application far wider than intended, “those arguments that are made, that the inferior race are to be treated with as much allowance as they are capable of enjoying; that as much is to be done for them as their condition will allow—what are these arguments? They are the arguments that kings have made for enslaving the people in all ages of the world. You will find

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that all the arguments in favor of kingcraft were of this class; they always bestrode the necks of the people—not because they wanted to do it, but because the people were better off for being ridden. That is their argument, and this argument of the judge is the same old serpent that says: 'You work and I eat, you toil and I will enjoy the fruits of it.' " So the debate ran along. Douglas spoke at Bloomington, Springfield, and other places, always to large crowds, and amid great enthusiasm. On July 24 he returned to Chicago, where he received a letter from Mr. Lincoln suggesting that it would be better if they discussed the issues from the same platform. The challenge was accepted, and it was arranged for them to appear, beginning August 21, at Ottawa, Freeport, Jonesboro, Charleston, Galesburg, Quincy, and Alton, the debate to end at the latter town October 15. This great discussion soon drew to itself the attention of the whole nation. We can hardly even imagine what interest it roused and what excitement it stirred in Illinois.

Vast throngs assembled to hear the two men, both of whom were masters of the art of debate. The struggle was of national importance, and was so recognized. Douglas, of course, was well known, and Lincoln hardly known at all outside of Illinois; the assumption was that the senator would have an easy victory. But he himself was not so sure—certainly he did not underestimate Lincoln. "I

shall," he said, "have my hands full. He is the strong man of his party—full of wit, facts, dates—and the best stump speaker, with his droll ways and dry jokes, in the West. He is as honest as he is shrewd; and if I beat him, my victory will be hardly won." There was much questioning of each candidate by the other for the purpose of entrapping him into admissions. It should be remembered that this great tournament was not altogether a discussion of principles, having solely for its purpose the establishment of the truth. Party interests and personal ambitions were involved, and very directly. Both Douglas and Lincoln were after votes, both wished to be senator, and both earnestly desired a party victory. In a very real sense the greatest issue of all, the one that underlay all others, was whether the government was to be controlled by the Republican or the Democratic party. On the answer to that question every one could even then see that a great deal depended. Naturally therefore there was some shrinking on both sides, some unwillingness to push the argument to its logical extreme. Lincoln made it perfectly clear that he thought slavery wrong, while Douglas clung to his old attitude of indifference to the moral aspect of the case—did not "care whether slavery was voted up or down." His great interest was in seeing that the people should have the right to adopt either slavery or freedom as they saw fit.

He would have them free to hold slaves. On the moral issue the verdict must be awarded to Lincoln.

It is a mistake, however, to think of this debate as wholly a contest over principles, for it was also a battle of wits. Nor is it quite true to say, as many do, that Lincoln had the easier task, since he was championing the right cause. For he had to present that cause so as to win the support of men who by no means thought alike—abolitionists, moderate Republicans, Americans, and old-line Whigs. He felt it to be necessary—as indeed it was—to repudiate any suggestion that he himself was an abolitionist. Lincoln had not even been a Free-Soiler, but a follower of Henry Clay. He was not such a Republican as Seward. The more radical Republicans, especially of the East, were for a time opposed to him, and others were lukewarm. The utmost pains was taken to make it clear that he did not favor social equality. There was even danger of offending the Democrats, since there was reason to believe—or at least to hope—that many of them would vote for Lincoln. Douglas, on the other hand, very naturally feared opposition in his own party, and he was greatly weakened by the antagonism of the national administration. He, too, reached for votes on the other side of the party line. There was a strong feeling in his favor among the Republicans, though this was most marked in the East.

The chance of winning Republican votes was too good to be thrown away. But no one could suspect Douglas of favoring social equality as between the whites and blacks, of opposition to the Supreme Court, or of abolitionism. Perhaps, on the whole, it was an even thing. There was not a thing said or a question asked that was not designed to embarrass and weaken the adversary. One answer to Douglas's criticism of Lincoln's "House-divided-against-itself speech" is so admirable, and shows such a knowledge of political philosophy, that it is worth setting out in full: "The great variety of the local institutions in the States springing from differences in the soil, differences in the face of the country and in the climate, are bonds of union. They do not make 'a house divided against itself,' but they make a house united. If they produce in one section of the country what is called for by the wants of another section, and if this other section can supply the wants of the first, they are not matters of discord, but bonds of union—true bonds of union. But can this question of slavery be considered as among these varieties in the institutions of the country? I leave it to you to say whether, in the history of our government, this institution of slavery has not always failed to be a bond of union, but an apple of discord, and an element of division in the house?" Such, of course, was the fact. These words were used in the first debate, the one at O-

tawa. On that occasion Douglas asked a series of searching questions based on resolutions supposed to have been adopted by a Republican convention at Springfield in 1854, but which proved to be a forgery. Lincoln, however, answered the questions in his next speech at Freeport, with clearness and explicitness—and adroitness. He said that he was not in favor of the repeal of the fugitive-slave law, though he thought it should be amended; that though Congress had the power to abolish slavery in the District of Columbia, it should do this only gradually, in a way satisfactory to a majority of the voters of the district, and with compensation to the owners of slaves; that he was not opposed to the honest acquisition of slave territory; and that Congress ought to prohibit slavery in the Territories. In his answer to the fifth question, whether he would oppose the admission of a new State with whatever Constitution the people chose to adopt he skirted Douglas's popular sovereignty rather closely: "In regard to the other question, of whether I am pledged to the admission of any more slave States into the Union, I state to you very frankly that I would be exceedingly sorry ever to be put in a position of having to pass upon that question. I should be exceedingly glad to know that there would never be another slave State admitted into the Union; but I must add that if slavery shall be kept out of the Territories during the territorial

existence of any one given territory, and then the people shall, having a fair chance and a clear field, when they come to adopt the Constitution, do such an extraordinary thing as to adopt a slave Constitution, uninfluenced by the actual presence of the institution among them, I see no alternative, if we own the country, but to admit them into the Union." President Buchanan had held that though slavery existed in Kansas the people could, after the State had been admitted, abolish it by constitutional enactment. While Mr. Lincoln argued—and we can imagine that he made the concession with the greatest reluctance—that though Congress might, and ought to exclude slavery from the Territories, those Territories would have to be admitted by Congress as States even with slave constitutions. In other words, they had a right to order their local institutions and affairs as they pleased—which is not far removed from the Douglas doctrine. At Freeport Lincoln was the questioner, having first answered the Douglas interrogatories. Only one of the questions is of importance, since the answer to it brought out the statement of a theory to which Douglas clung throughout the debate, and which indeed he had advanced in his speech in the Senate in which he attempted to reconcile the Dred Scott decision with the doctrine of popular sovereignty. Lincoln asked whether the people of a Territory can, "in any lawful way, against

the wishes of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution." If Douglas said no, there would be an end of popular sovereignty; if he said yes, he would offend the slavery leaders, who held that the people could do no such thing. Here is Douglas's answer: "I answer emphatically, as Mr. Lincoln has heard me answer a hundred times from every stump in Illinois, that in my opinion the people of a Territory can, by lawful means, exclude slavery from their limits prior to the formation of a State Constitution. . . . It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a Territory under the Constitution, the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. Those police regulations can only be established by the local legislature; and if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it into their midst. If, on the contrary, they are for it, their legislation will favor its extension. Hence, no matter what the decision of the Supreme Court may be on that abstract question, still the right of the people to make a slave territory or a free territory is perfect

and complete under the Nebraska bill. I hope Mr. Lincoln regards my answer satisfactory on that point." It was not satisfactory to Lincoln, nor will it be to any fair-minded man. This theory of the power of a local legislature to nullify and override a decision of the Supreme Court was one of those afterthoughts for which Douglas was famous, brought forward to save his doctrine of popular sovereignty against the consequences of the Dred Scott decision. At Jonesboro, on September 15, Lincoln said: "The Supreme Court of the United States has decided that any congressional prohibition of slavery in the Territories is unconstitutional; that they have reached this proposition as a conclusion from their former proposition that the Constitution of the United States expressly recognizes property in slaves, and from that other constitutional provision that no person shall be deprived of property without due process of law. Hence they reach the conclusion that as the Constitution of the United States expressly recognizes property in slaves, and prohibits any person from being deprived of property without due process of law, to pass an act of Congress by which a man who owned a slave on one side of a line would be deprived of him on the other side, is depriving him of that property without due process of law. That I understand to be the decision of the Supreme Court. I understand also that Judge Douglas adheres most firmly to that decision; and

the difficulty is, how is it possible to exclude slavery from the territory unless in violation of that decision." The question manifestly was not in any sense "abstract"; it was a question of property and property rights. Lincoln further showed that Douglas had said in the Senate only two years before that "whether the people should exclude slavery prior to the formation of a Constitution or not was a question for the Supreme Court." "I maintain," said Lincoln, "that when he says, after the Supreme Court have decided the question, that the people may yet exclude slavery by any means whatever, he does virtually say that it is *not* a question for the Supreme Court. He shifts his ground. I appeal to you whether he did not say it was a question for the Supreme Court? Has not the Supreme Court decided the question? When he now says the people *may* exclude slavery, does he not make it a question for the people? Does he not virtually shift his ground and say that it is *not* a question for the court, but for the people? This is a very simple proposition—a very plain and naked one. It seems to me that there is no difficulty in deciding it. In a variety of ways he said that it was a question for the Supreme Court. He did not stop then to tell us that whatever the Supreme Court decides, the people can by withholding the necessary 'police regulations' keep slavery out. He did not make any such answer. I submit to you now whether the

new state of the case has not induced the judge to sheer away from his original ground? Would not this be the impression of every fair-minded man?" The logic seems remorseless. Lincoln further showed that slavery could exist, and had existed under police regulations of an unfriendly character. Dred Scott himself had been held as a slave in Minnesota. He finally argued that every man elected to a legislature was sworn to uphold the Constitution of the United States, which had been held to uphold slavery, and also that Congress is bound to give legislative support to any right guaranteed by the Constitution. Douglas, however, adhered to his theory, and in his reply said that "you cannot maintain slavery a day in a territory where there is an unwilling people and unfriendly legislation," and that "if the people are opposed to it our right is a barren, worthless, useless right; and if they are for it, they will support and encourage it." Douglas strove hard to prove that Lincoln was an abolitionist, and denounced his party as "the Black Republican party." Each man was greatly concerned to prove that the other had been inconsistent, and that each was bound by platforms of the past by which he was not now willing to stand. Both pressed these points with the utmost vigor.

It is surprising that so little was made of the Le-compton issue. Douglas had little to say of it, and Lincoln did not press it, though he might have made

much of the schism between the senator and the national administration. Douglas, of course, was not interested in the matter, since it was his policy to maintain, as far as he could, party unity. Though Lincoln did not make as much of the question as he might, he did not neglect it. Probably he thought that the Lecompton, or administration, Democrats could safely be left to take care of Douglas, as far as this issue was concerned. As for Douglas, he held that there was nothing on which the Republicans could agree except the anti-Lecompton policy, and as that was settled and at an end the situation reverted to its former status. Besides, there was no issue between Douglas and Lincoln on the Lecompton question. A word should be said, however, in regard to the Freeport speech in which Douglas had advanced his theory that, despite the decision of the Supreme Court, the people of a State could exclude slavery through unfriendly police regulations. The Republicans charged that this was treason to Democratic doctrine, and the slavery leaders made the same claim. The doctrine, as has been shown, was not new, nor was it the special property of Douglas. But the charge had much weight, and Douglas felt it necessary later to defend himself against it, by showing that he had made the statement many times, and also that Southern men, including James L. Orr, of South Carolina, had, in 1856, held and expressed precisely

the same opinion. Such was the "Freeport treason," together with the defense of Douglas. But the cry of treason did not die out; it was, as Sheahan says, "continued from mouth to mouth, until, some time in the dog-days of 1859, it was heard for the last time in very feeble echoes, somewhere in the remote neighborhood of Grass Valley, California." The matter is not one of much importance, since Douglas was already out of favor in the South, and was viewed every day with more and more distrust. As a matter of fact his doctrine of the impossibility of extending slavery to States that did not want it was entirely out of harmony with the Southern view of the Dred Scott decision. And that was all that Lincoln cared to show. His shrewdly framed question, therefore, accomplished its purpose. The opposition to him in his own party became increasingly active. The "Freeport treason" was doing its work. The President's organ at Washington denounced him as a renegade whom no loyal Democrat should support. John Slidell of Louisiana was actively at work against him. The Danites, as the Buchanan Democrats were called, were very busy. Vice-President Breckenridge refused to speak in his behalf, though he ventured to say that he would prefer Douglas to Lincoln. At Galesburg Douglas dwelt on the sectionalism of the Republican party, and on what he held to be the conflict between the statements of Lincoln, delivered in

different parts of the State, in regard to negro equality. Lincoln sums up this Galesburg debate in his answer to Douglas: "A very large portion of the speech which Judge Douglas has addressed to you has previously been delivered and put in print. I do not mean that for a hit upon the judge at all. If I had not been interrupted, I was going to say that such an answer as I am able to make to a very large portion of it had already been more than once made and published." Douglas held that negroes did not come within the provisions of the Declaration of Independence, while Lincoln argued that even if they were not citizens they were entitled to the rights enumerated therein. There is, however, one thing in Douglas's reply that is somewhat interesting. He had said that he did "not care whether slavery was voted up or down," and Lincoln had declared that he himself did care; that only to a man who believed that there was no moral quality involved could the position of Douglas be logical. In this Galesburg speech the senator seems to have been somewhat nettled by the use that Lincoln had made of his remark, for he said: "I hold, and the party with which I am identified hold, that the people of each State, old and new, have the right to decide the slavery question for themselves; and when I used the remark that I did not care whether slavery was voted up or down, I used it in the connection that I was for allowing

Kansas to do just as she pleased on the slavery question. I said that I did not care whether they voted slavery up or down, because they had the right to do as they pleased on the question, and therefore my action would not be controlled by such consideration." The explanation is a true one, and yet it may be taken as indicating in this connection that Douglas was growing somewhat sensitive on the subject of slavery. But he did not go further, and say that though he did not care—in the sense of the words given above—whether slavery was voted up or down, he would personally rejoice if the people of a State, having a free choice, should prohibit slavery. In the debate which took place at Quincy, Lincoln pressed the moral phase of the subject. Judge Douglas, he said, "has the high distinction, so far as I know, of never having said slavery is either right or wrong. Almost everybody else says one or the other, but the judge never does. . . . If you will examine the arguments that are made on it, you will find that every one carefully excludes the idea that there is anything wrong in it. . . . So I say again that in regard to the arguments that are made, when Judge Douglas says he 'don't care whether slavery is voted up or voted down,' whether he means that as an individual expression of sentiment, or only as a sort of statement of his views on national policy, it is alike true to say that he can thus argue logically if he don't

see anything wrong in it; but he cannot say so logically if he admits that slavery is wrong. He can not say that he would as soon see a wrong voted up as voted down. . . . When he says that slave property and horse and hog property are alike to be allowed to go into the Territories, upon the principles of equality, he is reasoning truly, if there is no difference between them as property; but if the one is property held rightfully, and the other is wrong, then there is no equality between the right and the wrong; so that, turn it in any way you can, in all the arguments sustaining the Democratic policy, and in that policy itself, there is a careful, studied exclusion of the idea that there is anything wrong in slavery. Let us understand this. I am not, just here, trying to prove that we are right, and they are wrong. I have been stating where we and they stand, and trying to show what is the real difference between us; and I now say that whenever we can get the question distinctly stated, can get all these men who believe that slavery is in some of these respects wrong, to stand and act with us in treating it as a wrong—then, and not till then, I think we will in some way come to an end of this slavery agitation." In his reply Douglas merely said that the reason he refused to discuss the right or wrong of slavery was that "under the Constitution of the United States, each State of the Union has a right to do as it pleases on the sub-

ject of slavery." "I do not," he said, "choose to occupy the time allotted to me in discussing a question that we have no right to act upon." In this same speech Douglas gave Lincoln another point. After refusing to say whether he thought slavery right or wrong, Douglas said: "Let each State stand firmly by that great constitutional right, let each State mind its own business and let its neighbors alone, and there will be no trouble on this question. If we will stand by that principle, then Mr. Lincoln will find that this republic can exist forever, divided into free and slave States, as our fathers made it and the people of each State have decided." In his rejoinder Lincoln said: "I wish to return to Judge Douglas my profound thanks for his public annunciation here to-day, to be put on record, that his system of policy in regard to the institution of slavery contemplates that it shall last forever. We are getting a little nearer the true issue of this controversy, and I am profoundly grateful for this one sentence. Judge Douglas asks you, 'Why cannot the institution of slavery, or rather why cannot the nation, part slave and part free, continue as our fathers made it, forever.'" To such a conclusion had Douglas been driven, and thus was Lincoln justified in making in June, against the advice of his friends, the declaration that "a house divided against itself cannot stand." Lincoln, as the debate drew to a close rose steadily toward the moral

issue, while Douglas continued on the plane of strict legalism—which was not always legalism, even. In the last debate, that at Alton on October 15, Douglas discussed his quarrel with the administration, and justified his attitude and course. "Most of the men," he said, "who denounced my course on the Lecompton question objected to it, not because I was not right, but because they thought it expedient at that time, for the sake of keeping the party together, to do wrong. I never knew the Democratic party to violate any one of its principles, out of policy or expediency, that it did not pay the debt with sorrow. There is no safety or success for our party unless we always do right, and trust the consequences to God and the people. I chose not to depart from principle for expediency on the Lecompton question, and I never intend to do it on that or any other question. . . . You saw the whole power and patronage of the federal government wielded in Indiana, Ohio, and Pennsylvania to re-elect anti-Lecompton men to Congress who voted against Lecompton, then voted for the English bill, and then denounced the English bill, and pledged themselves to their people to disregard it. My sin consists in not having given a pledge, and then in not having afterward forfeited it. For that reason, in this State, every postmaster, every route agent, every collector of the ports, and every federal office-holder forfeits his head the moment

he expresses a preference for the Democratic candidates against Lincoln and his abolition associates. A Democratic administration which we helped to bring into power deems it consistent with its fidelity to principle and its regard to duty to wield its power in this State in behalf of the Republican abolition candidates in every county and every congressional district against the Democratic party. All I have to say in reference to the matter is that if that administration has not regard enough for principle, if they are not sufficiently attached to the creed of the Democratic party, to bury forever their personal hostilities in order to succeed in carrying out our glorious principles, I have. I have no personal difficulty with Mr. Buchanan or his cabinet. He chose to make certain recommendations to Congress, as he had a right to do, on the Lecompton question. I could not vote in favor of them. I had as much right to judge for myself how I should vote as he had how he should recommend. He undertook to say to me, 'If you do not vote as I tell you, I will take off the heads of your friends.' I replied to him, 'You did not elect me. I represent Illinois, and I am accountable to Illinois, as my constituency, and to God; but not to the President or to any other power on earth.'" Lincoln got closer and closer to the real issue, and gathered courage as he proceeded. The real issue, and the whole debate, is thus summed up by him: "You may turn over

everything in the Democratic policy from beginning to end, whether in the shape it takes on the statute book, in the shape it takes in the Dred Scott decision, in the shape it takes in conversation, or the shape it takes in short maxim-like arguments—it everywhere carefully excludes the idea that there is anything wrong in it. That is the real issue. That is the issue that will continue in this country when these poor tongues of Judge Douglas and myself shall be silent. It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles that have stood face to face from the beginning of time, and will ever continue to struggle." This line of argument Douglas was wholly powerless to meet. It represents Lincoln at his best. The reply of Douglas, with which the debate closed, was in the old vein.

Before leaving this subject something more should be said of the effect of the debate on Douglas's future. All of Lincoln's biographers make much, and rightly, of the question as to whether the people of a Territory could in any lawful way, against the wish of any citizen, exclude slavery from the Territory prior to the formation of a Constitution. The dilemma is obvious, as has been pointed out. We have seen how Douglas answered the question. He said that they could exclude it by refusing to legislate in its behalf. A negative answer would have

antagonized the people of Illinois, and an affirmative answer would have angered the South, which looked on the Dred Scott decision as making the nation wholly slave. In "Lincoln the Lawyer," by Frederick Trevor Hill, is this: "The Republican politicians of Illinois were not so astute as Douglas; still they foresaw that he would give a plausible answer to the question which would satisfy the local voters, and they begged Lincoln to withdraw the inquiry. But the far-sighted lawyer who framed it was deaf to their entreaties. 'Then you will never be senator!' was the angry warning of one of his advisers. 'If Douglas answers,' responded Lincoln calmly, 'he will never be President.' The fatal question was therefore left as Lincoln had phrased it, and at the first opportunity Douglas answered by stating that the Territories were still free agents. . . . As soon as he had uttered it, Douglas must have seen that his answer involved a gross blunder in law. . . . But, illogical as it was, this fallacy caught the popular fancy, and Douglas, seeing that it satisfied his constituents, held to it and was elected to the Senate. Nevertheless, as Lincoln anticipated, his blunder in law cost him the presidency, and not long afterward Judah P. Benjamin, one of the most ardent and able representatives of the South, arraigned him as a renegade and traitor. 'We accuse him for this,' he thundered, 'that having bargained with us upon a point upon which we were

at issue, it should be considered a judicial point; that he would abide the decision, and consider it a doctrine of the party; that having said that to us here in the Senate, he went home, and, under the stress of a local election, his knees gave way; his whole person trembled. His adversary stood upon principle and was beaten; and lo! he is the candidate of a mighty party for the presidency of the United States. The senator from Illinois faltered. He got the prize for which he faltered; but the grand prize of his ambition to-day slips from his grasp because of his faltering in his former contest, and his success in the canvass for the Senate, purchased for an ignoble price, has cost him the loss of the presidency of the United States!' Thus two years after Lincoln's question was put and answered Douglas was repudiated by his Southern friends, the Democratic party was split, three candidates instead of one were nominated against the Republicans, and the lawyer whose skill had precipitated this result was triumphantly elected at the polls." The result was as Lincoln predicted. The Republicans carried the State—as Douglas had in his anti-Lecompton speech in the Senate predicted they would do, the Lincoln legislators receiving a popular majority of 16,000, their vote being 190,000 as against 174,000 for the avowed Douglas candidates. The majority for the Republican candidate for Secretary of State was 3,821.

But Douglas had the advantage of 12 hold-over Democratic senators, and the apportionment, having been made before the large increase of population in the Northern part of the State, was also in his favor. When the legislature met in January, 54 votes were cast for Douglas and 46 for Lincoln. The elections generally were a rebuke to the administration—as was of course the victory of Douglas. The Republicans carried Pennsylvania, the President's own State, though there the new tariff and the financial panic had their effect. New York, Ohio, and Illinois were all carried by the Republicans, as Douglas had predicted. In Indiana the head of the Democratic ticket was elected by a plurality of only 2,851; but the legislature was composed of 75 Republicans, 68 Democrats and 7 anti-Lecompton men. The Republican representation in the federal Senate rose from 20 to 25, and that of the Democrats from 38 to 39, there having been an increase of two in the membership of the body. In the new House of Representatives there were 113 Republicans as against 92 in the old; and 93 administration and 8 anti-Lecompton Democrats, whereas in the old House there had been 116 administration and 11 anti-Lecompton Democrats. The defeat was not serious in itself, but it assuredly was significant. The split between the administration and Douglas—the recognized leader of the Northern Democrats—was obvious. As to the debate, it served to make the breach wider, brought

Lincoln to the front as a national character—though this was not at once realized—and brought the whole question of slavery before the country in such a way as to make it clear to most thoughtful men that there could be no peace, safety, or union until it was disposed of. It was becoming clearer and clearer that “a house divided against itself can not stand,” and that the nation must at some time become all slave or all free. Douglas was for a time the hero of the struggle. The honors were thought to be with him, partly because he won the immediate prize, and partly because of the assumption before the debate began that he was Lincoln’s master. Even those who regretted the defeat of Lincoln took comfort in the thought that Douglas would be very useful as an instrument for the destruction of the Democratic party—as proved to be the case. The Republicans were very glad to see President Buchanan rebuked in Illinois. Douglas’s triumph was personal. His rival was content. He said of the debate: “It gave me a hearing on the great and durable question of the age which I could have had in no other way; and though I now sink out of view and shall be forgotten, I believe I have made some marks which will tell for the cause of civil liberty long after I am gone.” He apparently had no thought of the presidency, though the idea was in the minds of his Illinois friends. But the men of the day rated Douglas far above Lincoln.

## CHAPTER XIV

### THE GATHERING STORM

IN the closing days of the campaign Mr. Seward delivered at Rochester, N. Y., his famous "irrepressible conflict" speech. In it he but restated the principle enunciated by Mr. Lincoln in his "House-divided-against-itself" speech. But what Seward said carried much further, since he was a great national figure, and also because he spoke with an eloquence and passion not shown by Lincoln. He indicted the Democratic party as local and sectional, deriving its power wholly from the slave States. As for the slavery struggle, he said that "it is an irrepressible conflict between opposing and enduring forces, and it means that the United States must and will, sooner or later, become entirely a slaveholding nation or entirely a free-labor nation." Thus the two men who were destined less than two years later to contest for the Republican nomination for the presidency stood on the same platform. Yet, though everything pointed to the necessity for a decision of the issue, one way or the other, there were many, even in the Republican party, who thought that the solution was to be found in Douglas's popular sover-

eighty, and there were not a few who favored nominating Douglas himself as the Republican candidate for the presidency. Several of the Eastern papers thought that Seward's speech was unwise. With Kansas free, and with no other disputes impending, the agitation gradually diminished, and for a time it was thought that the election of 1860 might be fought on other issues. The Southern men were not so shortsighted, nor were they at any special pains to conceal their views. Shortly after the election Douglas made a tour through the South. Though his object was recuperation, he could not keep clear of politics. In the speeches that he made he clung firmly to his doctrine. His reception was hardly more than polite. The Southern leaders and people could not be made to believe that the local authorities might exclude slavery from territory in which the Supreme Court had said it had a right to exist. It was with slavery, as it had been for several years, a question of extending or dying. With Seward and Lincoln talking of an "irrepressible conflict," and Jefferson Davis saying that "the abolitionists have at length forced upon us a knowledge of our true position, and compelled us into union, a union, not for aggression, but for defense," there was not much reason to hope longer for a peaceful settlement. Davis, it should be remembered, regarded most Republicans, and Seward, Lincoln and Chase in particular, as abolitionists.

After a brief stay in Cuba—the question of annexing the island was to come before Congress—Douglas returned to this country. His reception in New York and all the Eastern cities that he visited was friendly and enthusiastic. But when he got to Washington he found that he had been deposed from the chairmanship of the committee on Territories, a position that he had held ever since he entered the Senate. The war on him had begun. Just as popular sovereignty seemed to be so firmly established, it became necessary to deal with a very troublesome situation in Utah where "Governor Young," to quote from the President's message, "issued his proclamation, in the style of an independent sovereign, announcing his purpose to resist by force of arms the entry of the United States troops into our own territory of Utah." With this interesting problem we have nothing to do, except as it is related to Douglas. The same may be said of the Cuban question, which the President discussed at considerable length. There were the usual grievances, some of which, Mr. Buchanan said, were enough to justify war. There was hardly a Central American country, including Mexico, from which, according to the President, we had not suffered wrongs. The message was favorable to the purchase of Cuba, and to the establishment of a protectorate over the Northern States of Mexico. All this territory was, it need hardly be said, looked on with greedy eyes by

the slave-power. In 1854, our ambassadors to France, Great Britain and Spain—Mason, Buchanan and Soule—had met at Ostend, at the suggestion of President Pierce, and issued the famous Ostend Manifesto, which was simply a declaration in favor of stealing Cuba if Spain refused to sell it. Now the question was up again. Slidell introduced a bill appropriating \$30,000,000 as an advance payment to be made immediately on the signature of a treaty with Spain. It was charged that this money was a bribe to be used in corrupting the Spanish officials—which is quite likely. The Southern leaders responded promptly and enthusiastically to the President's recommendation, though they must have been somewhat puzzled—and grieved—by Mr. Buchanan's statement that by acquiring Cuba we should be better able to suppress the slave-trade, as that island was “the only spot in the civilized world where the African slave-trade is tolerated.”

However, the main thing was to “get” Cuba. Before the introduction of this Cuba-purchase bill, Jefferson Davis had presented a resolution making it the duty of the President to take possession of the island and hold it till certain claims were paid, and certain unsettled causes of complaint against Spain were adjusted by her. Douglas supported the bill. As he had long favored the acquisition of Cuba, it is hardly fair to say that he was prompted by a desire to conciliate the South and the slavery

interest, though that was charged against him. His views on the question were well known, and had often been proclaimed. However, he must have seen that in 1859 Cuba was chiefly desired as slave territory, and because it would compensate somewhat for the loss of Kansas. The bill failed, as did a bill granting homesteads to actual settlers, the former in the interest of slavery and the latter in the interest of freedom. During the course of an angry debate, in which the two bills were in collision, Wade of Ohio said, in answer to Toombs, that the question was "Shall we give niggers to the niggerless or land to the landless?" Addressing the Southerners directly, he said: "When you come to niggers for the niggerless, all other questions sink into perfect insignificance." Whatever may have been Douglas's motive in supporting the Cuba bill, he did not shrink when he was attacked by Brown and Davis of Mississippi. Brown wanted to know whether there was such a thing as the right of protection to slave property in the Territories, and he repudiated the doctrine of squatter sovereignty. Douglas promptly replied that there was none as against the sovereignty of the people as their own lawmaking power. "I know," he said, "that some gentlemen do not like the doctrine of non-intervention as well as they once did. It is now becoming fashionable to talk sneeringly of 'your doctrine of non-intervention.' Sir, that doctrine has been

fundamental in the Democratic creed for years." To repudiate it, he said, was to repudiate Democracy. "I tell you, gentlemen of the South, in all candor," he continued, "I do not believe a Democratic candidate can ever carry one Democratic State in the North on the platform that it is the duty of the federal government to force the people of a territory to have slavery when they do not want it."

Jefferson Davis followed with what was a virtual declaration of war on Douglas. "I have heard," he said, "many a siren's song on this doctrine of non-intervention, a thing shadowy, fleeting, changing its color as often as the chameleon." "I trust," he went on, "it will be remembered that a few of us, at least, have stood by the old landmarks of those who framed the Constitution and gave us our liberty; that we claim nothing more now from the government than the men who formed it were willing to concede. When this shall become an unpopular doctrine, when men are to lose the great States of the North by announcing it, I wish it to be understood that my vote can be got for no candidate who will not be so defeated." What Davis and the others wanted was protection for slave property wherever carried. It was no longer a question of not interfering with slavery in the States, or of the denial to Congress of the power to exclude it from the Territories, but of permitting its ex-

tension through a guaranteed federal protection. Douglas's view was that of the North—and also that of the men of the South, even the slavery men, of a generation before—while the Davis view was that of the South, and was solidly supported by the South. There never was from this time on any chance of bridging the gap between the Northern and Southern wing of the Democratic party. Indeed, Douglas showed no disposition to compromise—on the contrary he seemed to take special delight in challenging the Southern faction. The issue was made even sharper by the declaration of a prominent editor to the effect that there was a large party in the South in favor of a limited revival of the slave-trade as indispensable to the prosperity of that section. "No cause," said this man, "has ever grown with greater rapidity than has that of the advocates of the slave-trade." Later a Southern convention meeting at Vicksburg resolved that "all laws, State and federal, prohibiting the African slave-trade, ought to be repealed." Indeed this trade was revived "in a limited way." The crews of two vessels engaged in this traffic were indicted, but federal juries refused to convict, one indeed returning a verdict of not guilty. There was no sentiment in favor of enforcing the law. Douglas is reported to have said in a private conversation that fifteen thousand negroes had been imported into the country within the last year, and that he himself had seen

"three hundred of those recently imported miserable beings in a slave pen at Vicksburg, Miss., and also large numbers at Memphis, Tenn." Here was another issue that the Illinois senator had to face, and he met it bravely. In a letter written in August, 1859, to Colonel John L. Peyton of Virginia, he said: "A compromise was effected and incorporated into the Constitution by which it was understood that the African slave-trade might continue a legitimate commerce in those States whose laws sanctioned it until the year 1808, from and after which time Congress might and would prohibit it forever, throughout the dominion and limits of the United States, and pass all laws which might become necessary to make such prohibition effectual. The harmony of the convention was restored, and the Union saved by this compromise, without which the Constitution could never have been made. I stand firmly by this compromise and by all the other compromises of the Constitution, and shall use my best efforts to carry each and all of them into faithful execution, in the sense and with the understanding in which they were originally adopted. In accordance with this compromise, I am irreconcilably opposed to the revival of the African slave-trade, in any form and under any circumstances." He was even more positive in a letter to J. B. Dorr, of Iowa, in response to an inquiry as to whether his name would be presented to the Charleston con-

vention as a candidate for the presidency. After setting out what seemed to be the true Democratic doctrines, he said that if the convention approved them his friends would be at liberty to present his name. Then he went on: "If, on the contrary, it shall become the policy of the Democratic party—which I cannot anticipate—to repudiate these, their time-honored principles, on which we have achieved so many patriotic triumphs, and if, in lieu of them, the convention shall interpolate into the creed of the party such new issues as the revival of the African slave-trade, or a congressional slave code for the Territories, or the doctrine that the Constitution of the United States either establishes or prohibits slavery in the Territories, beyond the power of the people legally to control it as other property, it is due to candor to say that, in such an event, I could not accept the nomination if tendered to me." This letter created a most favorable impression throughout the North, but it served still further to alienate the South. For the purpose of further commending non-intervention to the North Douglas contributed a long discussion of it to *Harper's Magazine* of September, 1859. There was nothing new in it. But the interested reader will find in it a clear, painstaking, and moderate statement of Douglas's views. The article was really an argument against the Southern theory, and the author pointed out that if that theory

should prevail there would indeed be an "irrepressible conflict," and a "house divided against itself." The article produced a great sensation, and called forth a reply from Attorney-General Black. A war of pamphlets followed that accomplished little except to add bitterness to the controversy. After reading this discussion, in which the best possible case was made for the Douglas doctrine, Lincoln said: "Douglas's popular sovereignty, as a matter of principle, simply is: 'If one man would enslave another, neither that other nor any third man has a right to object.'"

Many times Douglas was compelled to make his position clear—perhaps it would be fairer to say that he willingly did so. In the course of his debate in February with Davis he was asked whether he had not favored and advised federal intervention in Utah, and whether that was not in violation of popular sovereignty. He was able to refer to a speech delivered almost two years before in which he had differentiated—or attempted to do so—between the case of Kansas and that of Utah. Briefly his theory was that in dealing with Utah, we had to do with what was virtually a foreign power, since most of its people were aliens, bound by oath to support the government of Brigham Young as against the United States, and in revolt against the government of the nation. So he would repeal the organic act creating it a Terri-

tory. But he admitted that the Kansas-Nebraska act might also be repealed, though that was based on an agreement that the question as to the constitutionality of property in slaves should be referred to the Supreme Court. As to Utah he said that if evidence "shall establish the facts which are believed to exist it will become the duty of Congress to apply the knife and cut out this loathsome, disgusting ulcer." If the people had all been citizens, living under a constitution of their own framing, and loyal to the United States, it is hard to see how we could have intervened against polygamy without denying to the people the right to order their domestic affairs as they pleased—which was the essence of popular sovereignty. Douglas had reached the point where he was unwilling to force slavery on the Territories, or to allow it to recruit itself by a revival of the slave-trade. As far as he was concerned, there were to be no "niggers for the niggerless" brought from overseas. The October elections of 1859 were generally favorable to the Republicans. Before the November elections, namely on October 17, came John Brown's raid which resulted in the capture of the United States arsenal at Harpers Ferry. Here was more trouble for the politicians. The Republicans were quick to disclaim all responsibility for it, or any part in it. The Democrats, on the other hand, saw in it nothing but "Black Republicanism." The story need not

be told here. Brown was captured and executed. The best statement of the case is that of Francis Lieber: "Brown died like a man, and Virginia fretted like an old woman. The deed was irrational, but it will be historical. Virginia has come out of it damaged, I think. She has forced upon mankind the idea that slavery must be, in her own opinion, but a rickety thing." The main concern of men active in public affairs was as to the effect of the raid on the elections. The Republicans feared that the Democrats would make capital out of it, as they certainly tried to do. However, the Republicans made large gains. In New York they elected most of their State ticket. New England was solidly Republican. The Republicans carried Ohio, Pennsylvania, and Iowa. The Democrats lost even Maryland to the "Opposition," as they did New Jersey. Indeed, there was an opposition in several Southern States strong enough to defeat the Democrats. Minnesota and Wisconsin returned Republican pluralities, while the Democrats were successful in Nebraska, Oregon, and California. When Congress met, December 5, 1859, John Brown had been dead three days, having been hanged for treason on December 2. The North was greatly stirred by the affair, which probably had as much to do as "Uncle Tom's Cabin" with rousing the fighting spirit—if not a good deal more. Helper's book, *The Impending Crisis*, and especially its indorse-

ment by leading Republicans, served still further to inflame public sentiment. The comment of the President, in his message, was as follows: "I shall not refer in detail to the recent sad and bloody occurrences at Harpers Ferry. Still it is proper to observe that these events, however bad and cruel in themselves, derive their chief importance from the apprehension that they are but symptoms of an incurable disease in the public mind, which may break out in still more dangerous outrages and terminate at last in an open war by the North to abolish slavery in the South." It is in this message, by the way, that the familiar words "old public functionary" occur. But if the "disease" were indeed, as the President said, "incurable" one cannot readily understand how he expected, as he said he did, the agitation to cease.

During this session of Congress, Douglas was beset by enemies from every side. It was to the Southern senators, however, that he devoted most of his attention. The doctrine of his Freeport speech was under constant attack. Practically the only question discussed was slavery. The situation was grave, and more threatening in the country as a whole than in Congress. Perhaps both sides had begun to realize that the nation was indeed facing an "irrepressible conflict." Douglas spoke many times in the Senate. In response to the taunts of the Southern senators he said: "I am not seeking

a nomination. I am willing to take one provided I can assume it on principles that I believe to be sound; but in the event of your making a platform that I could not conscientiously execute in good faith if I were elected, I will not stand upon it and be a candidate. . . . I have no grievances, but I have no concessions. I have no abandonment of position or principles; no recantation to make to any body of men on earth." Davis spoke in his usual arrogant style in support of resolutions offered by him demanding federal protection for slave property in the Territories. The time had gone by for conciliation. Yet another attempt was made, this time by Abraham Lincoln in his great Cooper Union speech on February 27, 1860. That served to bring Lincoln before the country even more than had his debate with Douglas. The speech was a vindication of the Republican position, and also a plea for harmony and good-will. It has been said that Douglas waged war on both factions. As there were no concessions to the Southern leaders, there were none to the Republicans. On January 16 he introduced a resolution instructing the judiciary committee to report a bill "for the protection of each State and Territory of the Union against invasion by the authorities or inhabitants of any other State or Territory; and for the suppression and punishment of conspiracies or combinations in any State or Territory with in-

tent to invade, assail, or molest the government, inhabitants, property or institutions of any State or Territory of the Union." Of course, this resolution was prompted by the John Brown raid. A week later Douglas spoke at length in its behalf. The governor of Virginia had in the preceding October asked for federal troops to protect the State against conspiracies that had, as he said, been formed in other States to rescue John Brown. "I am at a loss," replied the President, "to discover any provision of the Constitution or laws of the United States which would authorize me to 'take steps' for this purpose." So Douglas proposed legislation to remedy the defect.

That there should be such power in the federal government is of course clear, and on this point Douglas argued with great force, winning the approval of such Republicans as Senator Fessenden, who said: "I stated, and I believe it was all I said on that matter, that I was disposed to agree with the senator in his views as to the question of power; and that, with my views, I should go very far—far enough to accomplish the purpose—to prevent the forming of conspiracies in one State to attack another." Douglas, however, had broadened his demand so as to include the prevention of conspiracies to "run off" slaves, thus bringing up the question of the fugitive-slave law. He charged that the Brown raid was the direct result of Republican teaching,

a charge that was resented by the Republican senators. There was a glimmer of irritation in Douglas's reply to Fessenden's reference to the declaration of the Illinois senator that he did not care whether the people "voted slavery up or down"; perhaps the moral phase of the question was beginning to dawn on him. Yet he refused to go beyond his old position of indifference. He said: "I say this: if the people of Kansas want a slave State, it is their business and not mine; if they want a free State, they have a right to have it; and hence I do not care, so far as regards my action, whether they make it a free State or not; it is none of my business. But the senator says he does care, he has a preference between freedom and slavery. How long would this preference last if he was a sugar-planter in Louisiana, residing on his estate, instead of living in Maine? Sir, I hold the doctrine that a wise statesman will adapt his laws to the wants, conditions and interests of the people to be governed by them. Slavery may be very essential in one climate and totally useless in another. If I were a citizen of Louisiana I would vote for retaining and maintaining slavery, because I believe the good of the people would require it. As a citizen of Illinois I am utterly opposed to it, because our interests would not be promoted by it. . . . I have said and repeat that this question of slavery is one of climate, of political economy, of self-interest, not a question

of legislation. Wherever the climate, the soil, the health of the country are such that it cannot be cultivated by white labor, you will have African labor, and compulsory labor at that. Wherever white labor can be employed cheapest and most profitably, there African labor will retire and white labor will take its place. . . . But the senator thinks it a great crime for me to say that I do not care whether they have it or not. I care just this far: I want every people to have that kind of government, that system of laws, that class of institutions which will best promote their welfare, and I want them to decide for themselves; and so that they decide it to suit themselves, I am satisfied, without stopping to inquire or caring which way they decide it. That is what I meant by that declaration, and I am ready to stand by it." By this time the country had swung past this principle. Lincoln had showed that it could mean only that for all practical purposes the right was what the people had established. If the people of Kansas had adopted polygamy Douglas would have been bound by his principle to let them have their way. The speech is important now only as showing that on the very eve of the national conventions the Illinois senator was still unwilling to pass judgment on slavery. It was still a mere matter of "political economy." Looking back on those times one cannot but marvel that Douglas was able to maintain his absolute neutrality so long.

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## CHAPTER XV

### DOUGLAS THE PATRIOT

CHARLESTON had four years before been selected as the place for the meeting of the Democratic convention. It assembled on Monday, April 23. The preliminary skirmishes revealed that there were differences that were almost certain to prove irreconcilable. Douglas had a practically solid backing from the West and Northwest. On January 4 the State Convention of Illinois had met, elected delegates to the Charleston convention, instructed them for Douglas, and adopted his slavery programme. Later Ohio, Indiana, Wisconsin, Iowa, Minnesota, and Michigan fell into line. In other States in which prevailed the custom of choosing delegates by districts, similar resolutions, and instructions for Douglas, were adopted. The struggle was plainly between the South and the Northwest. New York, Pennsylvania, New Jersey, and even Tennessee, proclaimed the Douglas doctrine, though they did not instruct. When the delegates met they soon learned that, as far as the platform was concerned, the choice was between Douglas's non-intervention policy and Jefferson Davis's resolutions that had been offered in the Senate calling for protection for slavery in the

Territories against unfriendly local legislation. There was a feeling — soon dispelled — that the Northern Democrats would again yield, as they had so often yielded in the past. But the Northwest was a new, and most determined, factor. It was devoted to Douglas, and with good reason. Moreover, the Northern men knew that it would be impossible to carry a single Northern State on the Davis platform. As the Southern leaders had made up their mind to break up the Union if they could not have their way, there was no reason to look for any concessions from them.

What made the situation worse was the bitter feeling of the South against Douglas personally. The leaders from that section demanded not only a platform that would express their views, but one on which Douglas could not possibly stand. A year before Douglas had in the Senate warned Davis and the others that no "Democratic candidate can ever carry any one Democratic State of the North on the platform that it is the duty of the federal government to force the people of a Territory to have slavery when they do not want it." "When this," replied Davis, "shall become an unpopular doctrine, when men are to lose great States of the North by announcing it, I wish to be understood that my vote can be got for no candidate who will not be so defeated." Popular sovereignty was as hateful to men of this class as "Black Republicanism" it-

self, and Douglas was as much disliked as Seward. With the help of Oregon and California the South controlled the committee on resolutions, though it did not control the convention. Having seventeen States out of thirty-three, the South elected the chairman, Caleb Cushing of Massachusetts. After deliberating for five days the resolutions committee reported two platforms, that of the majority being practically a reaffirmation of the Davis resolutions, which were themselves nothing more than a reaffirmation of the old Calhoun doctrine of the nationalization of slavery. The minority report—that made by the Douglas members—was simply an indorsement of the Cincinnati platform of four years before. After another attempt at reconciliation, the convention by a vote of 165 to 138 adopted the Douglas platform. Only twelve Southern delegates voted for it, and only thirty Northern delegates against it. In the discussion of the platform, Yancey of Mississippi at last stated with frankness the Southern view. Addressing the Northern, or Douglas, delegates, he said: "You acknowledged that slavery did not exist by the law of nature or by the law of God—that it existed only by State law; that it was wrong, but that you were not to blame. That was your position, and it was wrong. If you had taken the position directly that slavery was right and therefore ought to be you would have triumphed, and antislavery would now have been dead in your

midst. But you have gone down before the enemy so that they have put their foot upon your neck; you will go lower and lower still, unless you change front and change your tactics. When I was a schoolboy in the Northern States abolitionists were pelted with rotten eggs. But now this band of abolitionists has spread and grown into three bands—the Black Republican, the Free-Soilers, and squatter-sovereignty men—all representing the common sentiment that slavery is wrong. I say it in no disrespect, but it is a logical argument that your admission that slavery is wrong has been the cause of all this discord." Having all his life refused to say that slavery was wrong, Douglas and his friends were now asked to say that it was right, and that it existed "by the law of nature or the law of God." And they refused. "Gentlemen of the South," said Pugh, of Ohio, "you mistake us—you mistake us; we will never do it." On the adoption of the Douglas platform the Alabama delegation withdrew from the convention. It was announced that Mississippi, Louisiana, South Carolina, Florida, Texas, and Arkansas would also secede. After taking 57 ballots, on the last of which Douglas received 145½ votes—202 being necessary to a choice—the convention on May 3 adjourned to meet again in Baltimore on June 18. The seceders, after adopting a platform, adjourned to meet in Richmond on June 11. They met, and again adjourned to re-

assemble in Baltimore the same day as the regular convention, June 18. In the interval the Senate was busy with the slavery question. It adopted the Davis resolutions—which were the platform of the slavery convention—by a decided majority, both Northern and Southern Democrats voting for them, with the exception of Pugh, of Ohio, and Douglas, who was not present. The discussion in the Senate, in which Douglas and Davis were the leaders, was marked by great bitterness. There was no yielding on the part of the Illinois senator. He charged his opponents, Yancey in particular, with a purpose to break up the Union, and said that such would be the inevitable effect of their doctrines. Davis was more arrogant and offensive than usual, descending to personalities, as when he referred to Douglas's "swelling manner" and "egregious vanity." While this futile debate was going on the Republicans were engaged in the business of nominating Abraham Lincoln for the presidency. Hamlin of Maine was nominated for the vice-presidency. The platform was shrewdly drawn. It declared for the Union and State rights; denounced the John Brown raid as "among the gravest of crimes"; condemned the administration, and especially its forcing a Constitution on Kansas; denied that the Constitution carried slavery into the Territories, or that Congress could give it legal existence there; condemned popular sovereignty; and of course de-

clared strongly against the revival of the slave-trade. It was, in short, a moderate, or Lincoln, platform.

When the two Democratic conventions met, the delegates realized that there was imperative need for unity in order to avoid the election of a "Black Republican." Some of the seceders were willing to return, the anti-Douglas men favoring their admission, and indeed claiming that they could not be excluded. This was opposed by the majority of the convention. Contesting Douglas delegations appeared from Alabama and Louisiana, and were admitted. This action started a new secession, Virginia, and most of the delegates from Tennessee, Kentucky, Maryland, and North Carolina retiring. Douglas, realizing that the fight was specially directed against him, twice offered to withdraw his name, provided his platform stood, and a "non-intervention, Union-loving man" be nominated. The men to whom these communications were sent, rightly judging that Douglas and the platform were inseparable, suppressed them. Caleb Cushing, the chairman, having gone over to the seceders, was succeeded by David Tod of Ohio. On the second ballot, which was taken June 23, Douglas received all the votes cast except thirteen, and was declared the nominee of the party. Senator Fitzpatrick of Alabama was nominated for vice-president. When he later declined, the national

committee substituted Herschel V. Johnson of Georgia. The seceders nominated John C. Breckinridge for president, and Joseph Lane of Oregon for vice-president. The old Whigs and Americans had, on May 9, met at Baltimore and nominated John Bell of Tennessee for president, and Edward Everett of Massachusetts for vice-president. If the Republican party was, as had been charged, sectional, there were now two Democratic parties, each of which was sectional. The line that was later to divide the Union, until it was washed out in blood, now divided the Democratic party. It was the first victim of the secession and disunion spirit. In the campaign that followed Douglas was easily the leading figure. He was the first candidate—unless we except General Scott—to make a speaking tour. He spoke in every section of the country. Almost from the outset of the campaign Lincoln's election seemed to be assured. In September Douglas said that Lincoln would be elected. The chief argument against the Republicans, and it had weight, was that if their candidate were chosen secession would follow. But men had made up their minds that the time had come to settle the issue. There had been threats of secession before, and the more optimistic refused to be terrified. Probably most Northerners were sceptical. So though some were influenced by the argument, it was, on the whole, not convincing. For a time Douglas was hopeful,

apparently honestly so. Soon, however, it developed that he was losing votes to Lincoln—and in some cases to Bell—in the North, and to Breckenridge in the South. There were attempts at fusion, some of them successful, as far as local candidates were concerned, though they were opposed by Douglas. He continued his campaign, and with increasing vigor, long after he was practically certain that he would be beaten. His purpose undoubtedly was to prepare the people, particularly those of the South, for the election of Lincoln, and to prevent secession. When it was suggested that he, and the other Democratic candidates withdraw, in order that another might be nominated who would unite the party, he said that he was "in the hands of his friends," but declared that the plan was not practical, as the result would be to throw his support in the North to Mr. Lincoln. Wherever he spoke he drew large and enthusiastic crowds. At Norfolk, Va., on August 25, he was asked whether the election of Lincoln would justify the South in seceding from the Union. "To this," said Douglas, "I emphatically answer no. The election of a man to the presidency by the American people in conformity with the Constitution of the United States would not justify any attempt at dissolving this glorious confederacy." When asked whether he would advise resistance to secession, he answered, in the spirit of Andrew Jackson: "I answer emphatically that it is the duty of

the President of the United States and of all others in authority under him, to enforce the laws of the United States, passed by Congress and as the courts expound them; and I, as in duty bound by my oath of fidelity to the Constitution, would do all in my power to aid the government of the United States in maintaining the supremacy of the laws against all resistance to them, come from whatever quarter it might. . . . The mere inauguration of a President of the United States, whose political opinions were, in my judgment, hostile to the Constitution and safety of the Union, without an overt act on his part, without striking a blow at our institutions or our rights, is not such a grievance as would justify revolution or secession." In North Carolina he talked in the same strain, saying that he "would hang every man higher than Haman who would attempt to resist by force the execution of any provision of the Constitution which our fathers made and bequeathed to us." He then journeyed to the Northwest, and every day he made it clearer that he was animated, not by personal ambition, but by deep love for the Union. Better than any other man except those who were plotting its overthrow he realized the danger. "It is not," he said, "personal ambition that has induced me to take the stump this year. I say to you who know me that the presidency has no charms for me. I do not believe that it is my interest as an

ambitious man to be President this year if I could. But I do love this Union. There is no sacrifice on earth that I would not make to preserve it." Hearing that the October States, Pennsylvania and Indiana, had been carried by the Republicans, he said: "Mr. Lincoln is elected President. We must try to save the Union. I will go South." And go South he did. He faced threats of personal violence, always speaking for the Union and against secession. He was denounced as "a regular old John Adams federalist and consolidationist." His friends, among them Senator Clingman, warned him of his danger. But he kept on in spite of everything. At Baltimore he anticipated—and denounced—the Confederate doctrine, later formulated, and no doubt still held by some men: "States that secede cannot screen themselves under the pretense that resistance to their acts 'would be making war upon sovereign States.' Sovereign States cannot commit treason. In my opinion there is a mature plan through the Southern States to break up the Union. I believe the election of a Black Republican is to be the signal for that attempt, and that the leaders of the scheme desire the election of Lincoln so as to have an excuse for disunion." The results in Maine and Vermont, and in the October States foreshadowed the election of Lincoln. Douglas was in the South when the news of the Republican victory reached them. He continued his speech-making, his pur-

pose now being to urge the people to accept the verdict. This was the message he delivered at Vicksburg. In the same strain he wrote to the business men of New Orleans. Lincoln received 180 electoral votes, Douglas 12, Breckenridge 72, and Bell 39. Douglas carried but one State—Missouri—and in addition got 3 votes from New Jersey. Lincoln carried every free State but New Jersey, from which he got 4 votes. The popular vote was Lincoln 1,857,610; Douglas 1,291,574; Breckenridge 850,082; Bell 646,124. The combined Democratic vote exceeded that cast for Lincoln by 930,170. In the slave States Breckenridge lacked 135,057 of a majority. Even in the Gulf States, where there was a poll of 330,000, Breckenridge's majority was a bare 14,000. Douglas and Bell, both of whom were for the Union, polled 690,000 votes between them as against 561,000 for Breckenridge. Even in the South, therefore, the Union sentiment was triumphant. The immediate problem confronting the country, and the President-elect, was one of preventing secession, and of holding together all who were opposed to it, or might be influenced to oppose it. Mr. Lincoln was altogether conciliatory. In a speech at a meeting held at Galena November 20, to celebrate the Republican victory, he said: "In all our rejoicings let us neither express nor cherish any hard feelings toward any citizen who by his vote has differed with us. Let us at all times remember that all Amer-

ican citizens are brothers of a common country, and should dwell together in the bonds of fraternal feeling." But, though he showed an entire reasonableness of spirit, and made many concessions, it became evident that he was of the opinion that there could be no compromise on the slavery question. But what he proposed to exclude from compromise was, not slavery, but "the extension of slavery." This he made clear in a letter to Alexander H. Stephens, written December 22, 1860. By this time South Carolina had seceded, and that action, taken on December 20, raised an issue more important than any question in regard to slavery—the question, namely, whether there really was such a thing as the government of the United States. This is made clear in a letter written by Lincoln to J. T. Hale, of Springfield, Ill., January 11, 1861: "We have just carried an election on principles fairly stated to the people. Now we are told in advance the government shall be broken up unless we surrender to those we have beaten, before we take the offices. In this they are either attempting to play upon us or they are in dead earnest. Either way, if we surrender, it is the end of us and of the government." It is important that the attitude of Mr. Lincoln be kept in mind in connection with the attitude of Douglas toward him and his policies, and toward the question of preserving the Union. Mr. Lincoln merely at that time denied the right of States to

secede because a national election had gone against them.

But Mr. Lincoln was wrong in saying that "Douglas is sure to be again trying to bring in his 'popular sovereignty.'" On the contrary, he very promptly threw it overboard. From the day of Lincoln's election to that of Douglas's death a few months later, the two men worked together, in mutual confidence, for the preservation of the Union. No man ever needed the support of the men who had voted against him more than did the first Republican President. This support was loyally and ungrudgingly given by Douglas and his followers. Douglas, it was true, had much wrong to undo, for he had said much to strengthen the Southern people in the belief that the election of a Republican would involve an attack on slavery in the States in which it existed. He had said in January, 1860, that the John Brown raid was the direct result of Republican teaching. But when the Union was in danger he rallied to the support of the administration in the constitutional government. When Congress met in December, 1860, South Carolina was considering in convention the question of secession, and trying to define its relations "with the Northern States and the government of the United States." And on December 20, the State passed an ordinance of secession, though the South was still in control of the executive department of the government and

of the army and navy, and had a majority in the Senate. There were still, strange as it now seems, hopes of compromise. Seward, now as always incurably optimistic, viewed the situation with much equanimity. Douglas, however, was not deceived, but even he clung to the last to the hope of saving the Union by compromise. In his message President Buchanan said that "the election of any one of our fellow-citizens to the office of President does not of itself afford just cause for dissolving the Union," and that "in order to justify secession as a constitutional remedy, it must be on the principle that the federal government is a mere voluntary association of States, to be dissolved by any one of the contracting parties." "If this be so," he continued, "the confederacy is a rope of sand, to be penetrated and dissolved by the first adverse wave of public opinion." The federal government was, he said, "a great and powerful government, invested with all the attributes of sovereignty over the special subjects to which its authority extends. Its framers never intended to implant in its bosom the seeds of its own destruction, nor were they at its creation guilty of the absurdity of providing for its own dissolution." But this "great and powerful government" was not great and powerful enough to prevent its own destruction—such was the argument of the President. He found authority for enforcing the laws and protecting federal

property, but none for "coercing" a State. There were many men in the North, and some newspapers, that preached the same doctrine. The question was new, and presented in startling form, and it is not surprising that there should have been doubt and hesitation. One Northern paper declared that a Union held together by force was neither possible nor desirable. Greeley of the *Tribune* held that the right of revolution, which the President, and indeed every one else admitted, was identical with the right to secede, and the *Tribune* declared that "whenever a considerable section of our Union shall deliberately resolve to go out of it we shall resist all coercive measures to keep it in." Yet if there is a right to start a revolution, there must be a right to suppress it. Such language as this confirmed the South in its conviction that peaceful secession was possible.

In the light of Northern sentiment, there seemed a fair chance for compromise, and to this work Douglas devoted himself. "Mr. Lincoln," he said, "having been elected, must be inaugurated in obedience to the Constitution." He pleaded for a laying aside of prejudice and bitterness, and asked all to unite with him "in a common effort to save the country from the disasters which threaten it." But the Republicans were not favorably disposed to further compromises, or attempt at them, while Southern senators boldly proclaimed the purpose of their

States to secede. Douglas, as has been said, did not stand on his doctrine of popular sovereignty. On the contrary, he agreed to a restoration of the Missouri Compromise, which he had often denounced as unconstitutional, and which the Supreme Court had overthrown. This was proposed by Senator Crittenden of Kentucky in a series of resolutions which were referred to a special committee of thirteen. Douglas was a member of the committee, and voted for all the resolutions. They were defeated by Republican votes, and the committee was forced to admit the impossibility of its agreeing. "No adjustment," said Douglas, "will restore and preserve the peace which does not banish the slavery question from Congress forever and place it beyond the reach of federal legislation. Mr. Crittenden's proposition to extend the Missouri Compromise line accomplishes this object, and hence I can accept it now for the same reasons that I proposed it in 1848. I prefer our own plan of non-intervention and popular sovereignty, however." Douglas supported the plan to submit the Crittenden resolutions to a popular referendum. But nothing came of this proposition. The situation in no way resembled that of 1850. Douglas was no longer bound even by pride of opinion. "I have no hesitation in saying," he declared, "to senators on all sides of this chamber, that I am prepared to act on this question with reference to the present exigencies

of the case, as if I had never given a vote, or uttered a word, or had an opinion upon the subject."

Early in January a steamer carrying arms, ammunition and men to reinforce the garrison at Fort Sumter, was fired on. The secession of Mississippi was announced on the same day—January 9. Florida, Georgia, Alabama, and Texas followed. Before this, Floyd, Secretary of War; Thompson, Secretary of the Interior; and Cobb, Secretary of the Treasury, had seceded from the President's cabinet. Cass resigned as Secretary of State, disapproving of the administration's policy of inaction. Attorney-General Black was appointed in his place, Edwin M. Stanton becoming attorney-general. Joseph Holt was appointed Secretary of War, and John A. Dix, Secretary of the Treasury—all Union men. There was thus a total change in the atmosphere of the White House, though there was little change in the policy. January 21 the senators from the seceding States withdrew from the Senate. But still attempts at compromise continued. Shortly afterward Kansas was admitted as a free State. A peace Congress was held, attended by delegates from fourteen free and seven slave States. It adopted an article of amendment to the Constitution embracing seven propositions, very similar to those contained in the Crittenden resolutions. When this article was presented to congress it was found that it would not be acceptable to the dis-

unionists. Finally Douglas called on the President-elect and asked him in his inaugural to recommend the calling of a convention to amend the Constitution; in this he was supported by Seward. Lincoln asked for time to consider the suggestion. A few days later in his inaugural address he said: "I can not be ignorant of the fact that many worthy and patriotic citizens are desirous of having the national Constitution amended. While I make no recommendation of amendments, I fully recognize the rightful authority of the people over the whole subject, to be exercised in either of the modes prescribed in the instrument itself; and I should, under existing circumstances, favor rather than oppose a fair opportunity being afforded the people to act upon it. I understand a proposed amendment to the Constitution—which amendment, however, I have not seen—has passed Congress, to the effect that the federal government shall never interfere with the domestic institutions of the States, including that of persons held to service. To avoid misconstruction of what I have said, I depart from my purpose not to speak of particular amendments so far as to say that, holding such a provision to now be implied constitutional law, I have no objection to its being made express and irrevocable." Such an amendment had been indeed passed by Congress, only such men as Sumner and Wade voting against it. It is known that Lincoln changed his original policy,

which was hostile to a constitutional amendment. Douglas warmly praised the inaugural, saying that it was "an emanation from the brain and heart of a patriot." Mr. Lincoln, he said, has "sunk the partisan in the patriot." All the way, clear through to the fateful hour—and after it had struck—the Illinois senator stood by the Illinois President. He took great pains to show his friendship in every possible way. Two days after the inauguration President Lincoln sent for him and praised the speech delivered by him on March 6, saying that he was in entire agreement with it. Douglas and his family were on the most friendly social terms with the White House family, and he occupied a front seat at the inauguration ceremonies. Lincoln seems to have trusted him and relied on him in the great crisis. In his effort to get an interpretation of the President's inaugural address by Republican senators, the Illinois senator, toward the close of the session, made a speech that had a strong partisan ring, suggesting as it does that his purpose was to make trouble between the President and his party. But it is to be remembered in his favor that he was as opposed as he ever had been to those whom he called the "irreconcilables," and that he might legitimately wish to know whether they would support a President of their own party who had just delivered what Douglas spoke of as "a peace-offering rather than a war message." Finally the Presi-

dent decided to send supplies to the Fort Sumter garrison, and on April 12 the fort was fired on. The days of compromise were over. The South had chosen war, and war it was to be. There is little more to be told. The need for the support of Douglas and his followers was greater than ever. This was realized by the administration. There was no assurance at the outset that the North would be united in support of war, whatever it might think about slavery. Not long before prominent Republicans had favored the policy of allowing the seceding States to depart in peace. No one could tell what had been the effect of their speaking and writing on the people. That its effect in the South had been deplorable all agree. Indeed the South had been taught for years to believe that whatever it demanded it would receive, and that there were no limits to the concessions of the North. On the other hand, Northerners had been trained in the school of compromise. The old Whig spirit was by no means dead. Douglas, therefore, was a great asset. Though the firing on Sumter had very largely united the North, as events made clear, Mr. Lincoln could not be sure how the people would receive his call for volunteers, which of course would mean war. On the evening of the day that the news of the firing on Sumter reached Washington, George Ashmun of Massachusetts arranged for an interview between the President and Douglas. The

story is well told by Samuel Bowles in an obituary notice of Ashmun printed in Bowles's paper on the death of Ashmun in 1870: "By being master of himself and superior to the reasons which influenced his own mind, it was that he became capable of giving the reasons which should influence the minds of others. His career in public life is full of striking illustrations of this great power of his. Probably the most notable was the result of his interview with Stephen A. Douglas, directly after the rebels fired on Fort Sumter, and the rebellion was fully launched upon the land. Such were his appeals, such the force of the arguments he addressed to Douglas, that the great Illinoisian rose up superior to partisanship, and took his stand with his country. 'Now,' said Mr. Ashmun, although it was very late in the night, 'let us go up to the White House and talk with Mr. Lincoln. I want you to say to him what you have said to me, and then I want the result of this night's deliberations to be telegraphed to the country.' That interview at the White House between these three men—Lincoln, Douglas, and Ashmun—should be historical. Then and there Mr. Douglas took down the map and planned the campaign. Then and there he gave in, most eloquently and vehemently, his adhesion to the administration and the country. Mr. Ashmun himself briefly epitomized the story, and it went by telegraph that night all over the country,

to electrify and encourage every patriot on the morrow." The President submitted his call for volunteers, and Douglas said that he concurred in every word, though he would make the call for two hundred thousand rather than seventy-five thousand men. "You do not know," he added, "the dishonest purposes of those men as well as I do." The epitome of the interview, penned by Douglas, follows: "Senator Douglas called upon the President, and had an interesting conversation on the present condition of the country. The substance of it was, on the part of Mr. Douglas, that while he was unalterably opposed to the administration in all political issues, he was prepared to fully sustain the President in the exercise of all his constitutional functions, to preserve the Union, maintain the government, and defend the federal capital. A firm policy and prompt action was necessary. The capital was in danger, and must be defended at all hazards, and at any expense of men and money. He spoke of the present and future without any reference to the past." Speech after speech he made in support of the government—and the administration. Men in those days were not so careful to discriminate between the two. Douglas knew what terrible burdens the President was carrying, and he conceived it to be his duty to do everything he could to lighten them. "We must fight for our country," he said, "and forget all differences. There can be but two

parties—the party of patriots and the party of traitors. We belong to the first." Wherever he went he delivered the same message. Speaking to the people of West Virginia—still a part of old Virginia—he showed the folly and madness of secession. In his own State, and especially in that part of it most likely to be tainted with disunion sentiment, he presented the issue squarely, and with the greatest eloquence. At Springfield, the home of Lincoln, and once his home, he said: "When hostile armies are marching under new and odious banners against the government of our country, the shortest way to peace is the most stupendous and unanimous preparation for war. . . . If a war does come, it is a war of self-defense on our part. It is a war in defense of the government which we have inherited as a priceless legacy from our patriotic fathers, in defense of those great rights of freedom of trade, commerce, transit and intercourse from the centre to the circumference of our great continent. . . . I believe in my conscience that it is a duty we owe to ourselves and to our children, and to our God, to protect this government and that flag from every assailant, be he who he may." He appealed for an impartial verdict, and said that if he had in the past leaned too far to the South as against the North, he had at least "never pandered to the prejudice and passion of my section against the minority section of the Union." Rather he had braved the

fiercest opposition and the most savage denunciation because of the tenderness he was supposed to have shown to the South in his Kansas-Nebraska legislation. His whole record served to reinforce powerfully every plea he made for the Union and for resistance to rebellion. In a sense he was speaking against what many people believed had been his own side, and that gave his words added weight. His manifest sincerity, deep feeling, and tremendous earnestness carried conviction to all his hearers. He rendered a great service, as did the hosts of Douglas Democrats who stood by the Union, and thronged into the Union's armies.

Douglas's campaign closed at Chicago with a great meeting attended by men of all parties. When he had returned to his home city after the passage of the Kansas-Nebraska act he was met by an infuriated people, and was not allowed to speak. After his break with the administration over the Lecompton question he was received there with the greatest enthusiasm. Now he was to have his last triumph. The scene was the Wigwam, in which Lincoln had been nominated a year before. Facing an audience bound together by the felt tie of a common citizenship, every member of which he must have known to be his friend, Douglas could not but have been conscious of an inspiration such as he had never known before. He stood before the throng, not as a partisan or a party leader, not as the champion

of any political policy, but as a citizen and patriot. "The present secession movement," he said, "is the result of an enormous conspiracy formed more than a year since. . . . The conspiracy is now known. Armies have been raised, war is levied to accomplish it. There are only two sides to the question. Every man must be for the United States or against it. There can be no neutrals in this war; only patriots—or traitors." His work was done, and the end crowned it. On June 3 he died, literally worn out. Almost his last words were words of encouragement to the President.

Of the private life of a man who was so entirely absorbed in public affairs there is little to be said. Mr. Douglas was twice married. His first wife, Miss Martha Denny Martin, died in 1853, leaving two sons and a daughter, the latter dying in infancy. She is said to have been endowed with beauty, intelligence, and charm of manner. In November, 1856, Mr. Douglas married Miss Adele Cutts, the daughter of an old Maryland house, and a great niece of Dolly Madison. That she was a woman of rare beauty and culture all agree. In both marriages Douglas found happiness in full measure. There were two daughters by the second marriage. Outside of his home Douglas had little interest in anything but politics. As has been shown, he knew little of any history except that of his own country. If

he had any fondness for literature, or taste for it, his speeches do not show it. They are free, not only of quotations, but of literary allusiveness. It is indeed said that he read hardly anything but law and politics. And politics, not law, was his mistress. Douglas is said never to have quoted a line of poetry. There is in his speeches slight evidence—which is so strong in the speeches of Lincoln—of any great familiarity even with the Bible. He belonged to no church, though he had many of the virtues which are regarded as the fruit of religion—kindness, charity, honesty, and love of his fellowman. In him religious intolerance always met a determined foe. As his life was public, so it was mostly on the outside. He had little time, in the midst of his stormy career which closed in his forty-ninth year, for meditation, and probably no predisposition that way. There was no trace of mysticism in his character. But he was a brave and true man, devoted to his friends, faithful to his duty as he saw it, generous far beyond his means, and endowed with a remarkable capacity to inspire affection in his friends and followers.

Was he a statesman? The question is important, since it is as a public man that he must be judged. Yet there are few questions that are more difficult to answer, so thin, often, is the line that divides the politician from the statesman. Douglas was certainly a great political leader—one of the greatest

that the country has known. He was almost uninterruptedlly successful, and the winner of several battles that seemed hopelessly lost when he entered them. He wielded great influence in Congress, even in a Congress that numbered on its rolls such men as Webster, Clay, and Calhoun. Almost from the beginning of his Washington career he played a leading part. In debate few men of his time excelled him. His mind was powerful, and his will imperious. Perhaps it may be said fairly that he had many of the elements of greatness, without being a great man. He was limited by his inability to view politics from the moral angle. His personal integrity no one ever questioned. His political morality was up to the level of the time—and often higher. But his weakness seems to have been in regarding politics as a game, rather than a conflict of ideas. It has been said that a statesman sometimes thinks of the next generation, while a politician always thinks of the next election. Douglas was always much concerned over the next election. But nevertheless he rendered important service to the republic. Up to 1854, his attitude on the slavery question was that of Clay and Webster—that is, it was the same as to the remedy to be applied. From 1858, after his break with President Buchanan, he gradually rose to the Lincoln platform, and finished as a warm supporter of the Republican president. He failed in the Kansas-Nebraska crisis.

Even his action here has been explained by Lamon, Lincoln's friend and biographer, as designed to aid the Republicans in destroying the Democratic party. But this does not help matters much. The Lincoln-Douglas debate was not a mere sham battle. Douglas was a lover of the Union, and a patriot. Though he made mistakes they are forgiven because he "loved much."

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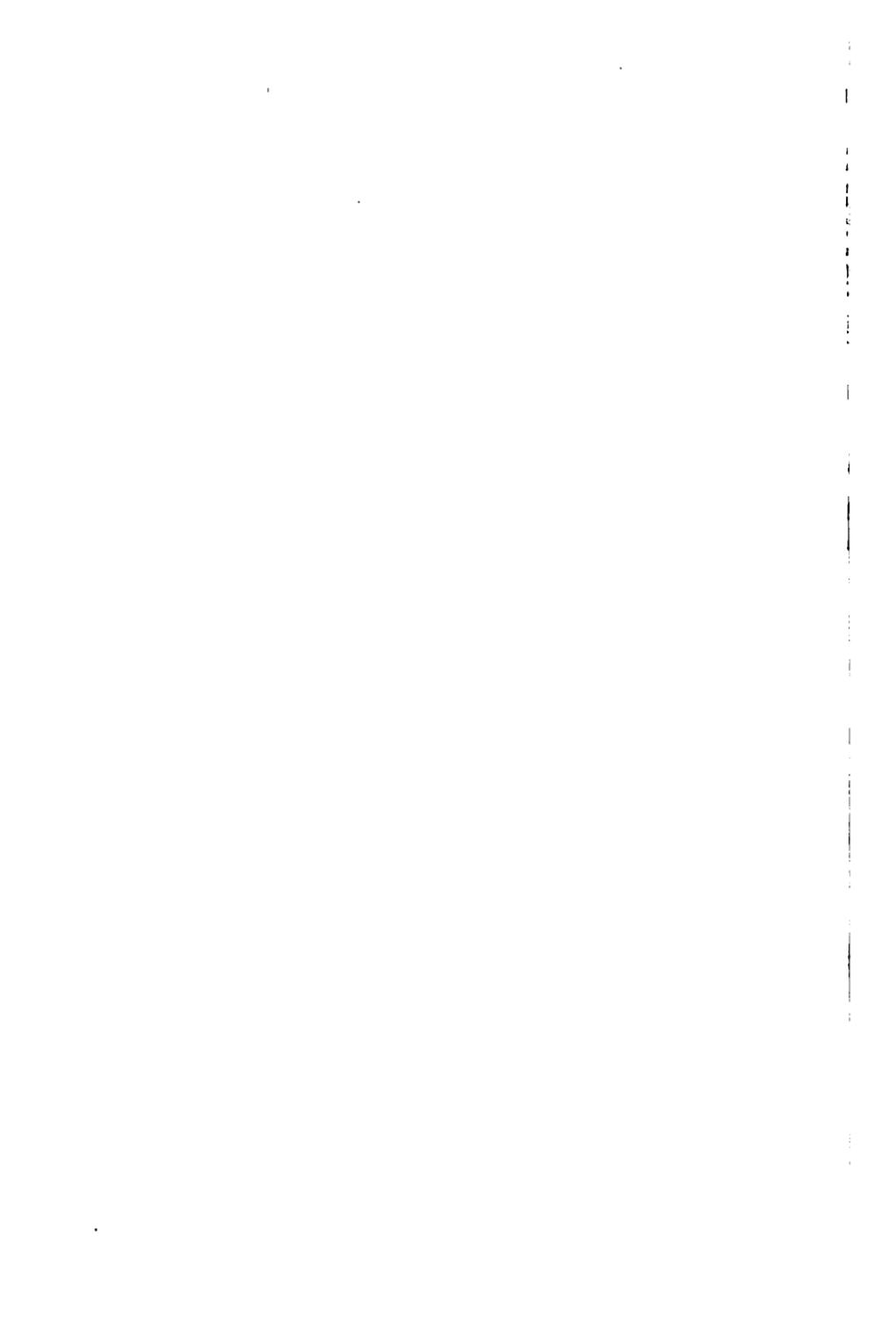
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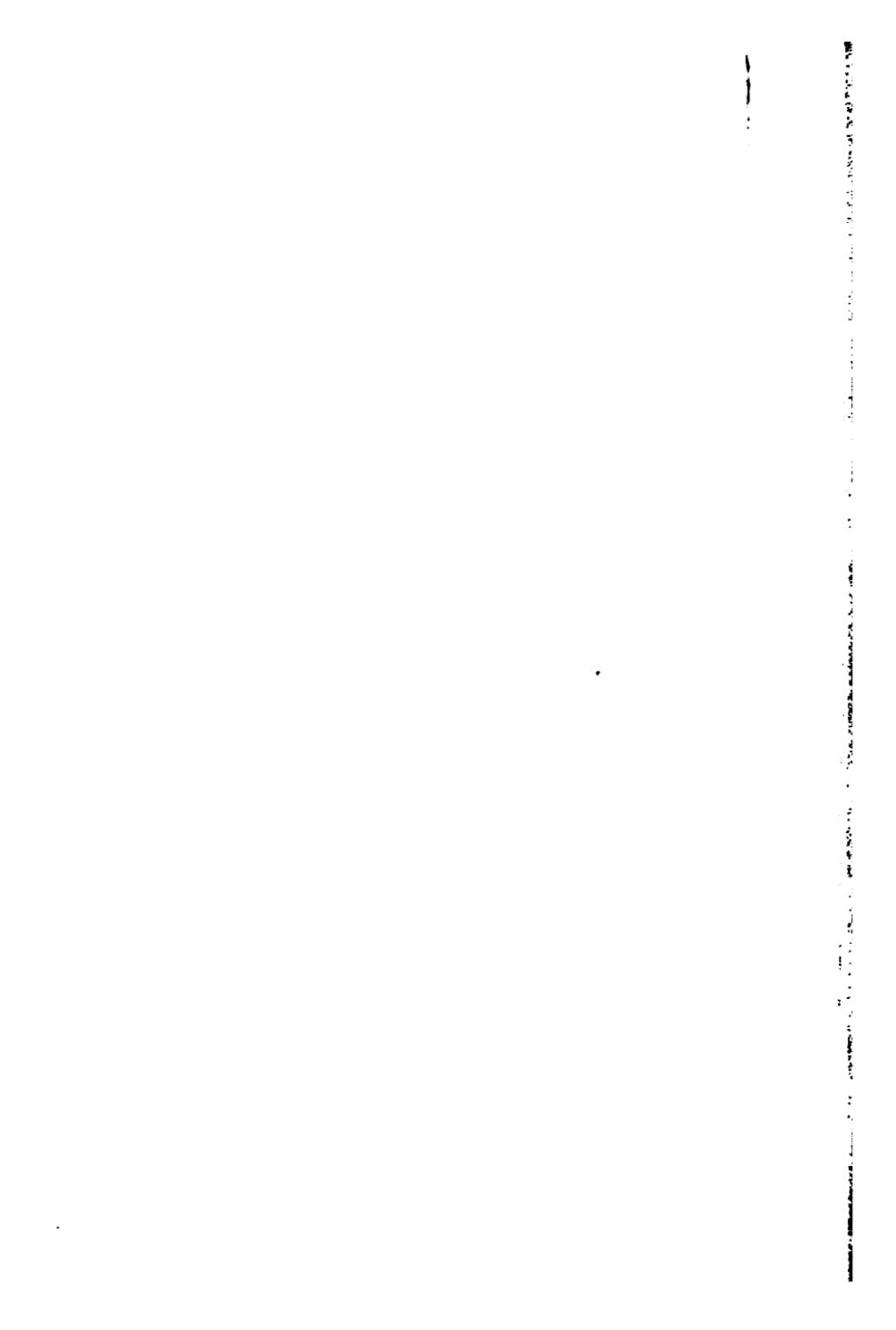


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